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THE

BOMBAY SALT MANUAL

(In two Parts)

FOR THE GUIDANCE OF OFFICERS
OF THE SALT DEPARTMENT

PART I

Acts and Rules and Notifications under each

FIRST EDITION



Published under the authority of the Government of Bombay.

BOMBAY
PRINTED AT THE GOVERNMENT CENTRAL PRESS
1922

PREFACE.

THE first part of this Manual contains portions of the Indian Salt Act applicable to this Presidency, the Indian Salt Duties Act, the Bombay Salt Act, the Transport of Salt Act, the Indian Ports Act, the Bombay Landing and Wharfage Fees Act and the rules and regulations issued under these Acts. Notifications and High Court or Government rulings on specific sections of the Acts have been printed under each such section and the rules of general application at the end of the Act to which they relate.

2 The second part consists of twelve chapters. Of these *ten deal with the constitution and working of the* Bombay Salt Department and the remaining two contain departmental orders under the Indian Ports Act and the Bombay Landing and Wharfage Fees Act The principles laid down by the Government of India with regard to their policy in Salt matters, important circular orders, the rules relating to the Mounted Force and those respecting their Provident Fund, and the various forms in use in the Department, except those pertaining to Kharaghoda Salt,* will be found at the end of the second part. Each part contains a separate index, and cross-references are given in the margin.

W C. SHEPHERD,

Commissioner of Customs, Salt and Excise.

Bombay, 28th November 1921.

* These have already been published in a separate compilation.

G C Ltd

THE BOMBAY SALT MANUAL.

PART I.

ACTS AND GENERAL ORDERS.

CONTENTS.

PART I

BOMBAY SALT MANUAL.

PART I.

ACTS AND GENERAL ORDERS.

THE INDIAN SALT ACT, 1882.

CHAPTER III.

Duty and Price of Salt.

7. The Governor General in Council may from time to time, by rule consistent with this Act,— *Power of Governor-General in Council—*

(*a*) impose a duty, not exceeding three rupees per maund of 82$\frac{2}{7}$ pounds avoirdupois, on salt manufactured in, or imported by land into, any part of British India; *to impose a duty on manufacture of salt;*

(*b*) reduce or remit any duty so imposed, and re-impose any duty so reduced or remitted; *to reduce or remit duties;*

(*c*) fix the minimum price at which salt excavated, manufactured or sold by or on behalf of the Government of India shall be sold. *to fix minimum price of salt excavated, etc., by Government.*

In calculating the amount of duty payable under this section, fractions of quarter maunds may be reckoned as quarter maunds.

(Salt.)

No. 1545-Exc., dated Delhi, 1st March 1916.

In exercise of the powers conferred by section 7 [illegible] the Indian Salt Act, 1882 (XII of 1882), and in supers[illegible] of the notification by the Government of India in the F[illegible] Department, No. 1718-Exc., dated the 20th March 19[illegible] Governor General in Council is pleased to direct that [illegible] after the 1st March 1916, the duty to be paid on salt [illegible]

factured in, or imported by land into, British India shall be as follows :—

(a) In the case of salt manufactured in any part of British India other than Aden and of salt (other than salt manufactured at salt sources at Sambhar, Didwana or Pachbhadra in the Rajputana Agency, on which duty has been imposed by notification in the Finance and Commerce Department No. 833-D of this date) imported by land into any part of British India, one rupee and four annas for each maund of 82$\frac{2}{7}$ pounds avoirdupois ; and

(b) In the case of salt manufactured in Aden and intended for local consumption in that Settlement or for export to ports or places on the Arabian littoral situated between latitude eleven and latitude twenty north and longitude thirty-nine and longitude forty-five east, one rupee for each 140 pounds avoirdupois.

II The foregoing orders shall not affect the orders contained in any Notification of the Government of India not hereinbefore expressly mentioned.

Remission of duty on manufactured salt used in the process of manufacture

In exercise of the powers conferred by section 7, clause (b), of the Indian Salt Act, 1882 (XII of 1882), and in supersession of the Notification of the Government of India in the Department of Finance and Commerce, No. 1724, dated the 21st April 1893, the Governor General in Council is pleased to remit the duty imposed by Notification No. 1512, dated the 18th March 1903, on salt manufactured in, or imported by land into, British India in cases in which any such salt is issued in accordance with rules made with the previ ous sanction of the Goveror General in Council, for use in any process of manufacture.

(G of I. No. 2112 S R. (F. & C. D.), dated 20th April 1903, published under the Government of Bombay's N. No. 2862 at page 572 of the *B. G. G.*, Part I of 1903.)

Commr. of C. S. & Ex. authorised to issue duty-free salt

Under Government Resolution, Revenue Department, No. 4952 of 21st May 1909 the Commissioner of Customs, Salt and Excise is authorised to issue duty-free salt for industrial purposes.

RULES FOR THE SAFE CUSTODY AND PROPER USE OF AND FOR OBTAINING A DRAWBACK OF DUTY ON THE SALT USED IN BLEACHING AND DYEING.

1. The Company may obtain salt for the purposes of bleaching and dyeing either (a) from an approved firm of

importers of Liverpool salt or (*b*) in the ordinary way on payment of duty from one of the Salt-works in the Thana or Kolaba Sub-Division, or from Kharaghoda or one of the agencies established for the sale of Baragra salt or rock salt from Khevra. The Manager of the Company shall, at the close of each quarter, submit an application for drawback of the duty on the salt used supported by the permits issued for the removal of salt or the receipts of the firm from which the salt has been purchased as the case may be.

II. The application shall contain the following particulars :—

(1) The balance of salt in store at the beginning of the quarter,

(2) The quantity of salt purchased during the quarter;

(3) The quantity of salt used during the quarter and on which a drawback of duty is applied for;

(4) The balance of salt in hand at the close of the quarter;

(5) The weight of yarn and cloth bleached and dyed during the quarter, and

(6) A declaration that the salt on which a drawback of duty is applied for has been used *bona fide* in bleaching and dyeing within the Company's factory at and has not been used for any other purpose.

III. The application shall be sent through the Assistant Collector of Salt and Excise of the Sub-Division, to the Deputy Commissioner of Salt and Excise, Division, for disposal.

IV. The Company shall provide and set apart for the holding of the salt purchased for use in the factory a store-room securely constructed and with a strong door capable of being locked to the satisfaction of the Assistant Collector of Salt and Excise of the Sub-Division.

V. The store-room shall not be opened except during daylight and then only (*a*) for the receipt of salt into store, (*b*) for the preparation by grinding or the issue of salt required for purposes connected with bleaching and dyeing and (*c*) to allow of the stock of salt being checked by weighment or otherwise by officers of the Salt Department. Nor shall

the store-room be opened except by or in the presence of the Manager of the factory $\frac{\text{and}}{\text{or}}$ the store-keeper of the Company who shall retain the key of the store-room in his own possession.

VI. All refuse salt or all useless refuse containing salt shall be effectually destroyed on or near the premises in such manner as the Deputy Commissioner of Salt and Excise may direct.

VII. The premises of the Company may be entered upon and examined at any time by any authorised officer of the Bombay Salt Revenue Department, and due facilities for the same inspection of the Company's Salt Register as well as for checking the stock of salt received, expended and in hand, shall be afforded by the Manager and all other servants of the Company.

VIII. The register referred to in the preceding rule shall be written up daily and signed by the Manager and shall be in the form hereto annexed.

IX. The Manager of the Company shall furnish the Assistant Collector of the Sub-Division with a monthly statement to be posted by the 10th of each following month, showing the opening balance of salt at the beginning of the month, the quantity purchased during the month, the quantity expended during the month, the balance at the close of the month and the weight of the yarn and cloth in the bleaching and dyeing of which salt was used during the month. The Company's books showing the weight of the yarn and cloth dealt with shall be open at any time to the inspection of the Assistant Collector of the Sub-Division and the superior officers of the Bombay Salt Revenue Department.

(Witness to signature.)

Salt Register—Rules VII and VIII.

Register of Salt purchased, expended and in store together with weight of the yarn and cloth bleached and dyed by the .

Date.	Opening balance of Salt.				Quantity of Salt received in Store.				Total quantity of Salt in hand				Quantity of Salt issued and expended				Closing balance of Salt				Weight of the yarn bleached and dyed		Weight of the cloth bleached and dyed		Manager's signature.	Remarks.
	Liverpool.				Liverpool.				Liverpool.				Liverpool				Liverpool.									
	M	s.	M.	s	M.	s.	M	s	M	s	M.	s	M	s	M	s	M	s	M.	s	M	s	M	s		



KNOW all men by these presents that we the Directors of

do hereby state and agree and where as we carry on the trade or business of
under the name and style of
and the Government of Bombay have with a view to encourage and facilitate industry expressed a desire of remitting the duty on the salt which may be actually necessary for
on the conditions hereinafter set forth, and whereas we have accepted, and agreed to conform to and abide by the said conditions in consideration of obtaining the salt which may be required free of the duty imposed, we do hereby make the following declarations.—

1. It is hereby covenanted and agreed that the aforesaid Company shall, according to the true intent and meaning of these presents, be bound by and observe and carry out the provisions contained in the rules hereto annexed and subjoined and which are to be considered as a part of this agreement.

2. It is hereby further agreed and promised on the part of the Company that the salt on and for which a drawback and refund will be applied shall *bona fide* have been used for bleaching and dyeing within the Company's factory at and that it shall not at any time be applied to any other purpose.

3. It is also agreed and covenanted on the part of the said Company that in the event of breach of any of the conditions herein set forth, or there being reason to believe non-compliance, wholly or partially, of any kind and description with the rules hereinafter set forth, or there being reason to suppose that the concession of a drawback of duty on the salt used by the said Company is being otherwise abused, the Government shall be competent to impose a preventive establishment at the cost and expense of the said Company, or make any other arrangement that may under the circumstances seem necessary and advisable, or cancel or

withdraw the concession and grant hereby alluded to and secured.

4. It is also agreed and acknowledged on the part of the said Company that the Government of Bombay have sanctioned the grant of the concession as an experimental measure and by way of a temporary concession which may be revoked by the Commissioner of Customs, Salt and Excise, at any time without compensation

5. It is further agreed and covenanted that the said Company shall pay to the Bombay Salt Revenue Department to cover the cost of the requisite inspections hereinafter alluded to in the rules and other departmental expenses involved, a fixed sum of rupees one hundred a year at such times and such places and in such manner as the Commissioner of Customs, Salt and Excise may prescribe and direct.

6. It is further agreed that the said Company shall be responsible for any loss or damage that may be occasioned by breach of the conditions and rules herein set forth.

In witness whereof

(Witness to signature)

With the previous sanction of His Excellency the Governor General in Council, the Governor of Bombay in Council is pleased to make the following rules for the remission of duty on salt issued for industrial purposes in general, except in cases where salt is used for flavouring or preservative purposes, in articles of human consumption in the Presidency of Bombay .—

1. Any manufacturer wishing to be admitted to the concession shall make an application through the Commissioner of Customs, Salt and Excise, Bombay, to the Government of Bombay stating the process of manufacture in which he intends to use the salt. If he wishes the concession to extend to more than one factory or works, a separate application must be made in each case.

2. If the application is sanctioned the manufacturer shall forthwith execute and lodge with the Chief Account Officer of Customs, Salt and Opium, Bombay, an agreement in the form appended to these rules.

3. After the execution of the agreement the manufacturer shall in the first instance provide himself with duty

paid salt either (*a*) from an approved firm of importers of imported salt or (*b*) by purchase in the market. At the close of each quarter the Manager of the Company shall submit an application for refund of the duty on the salt used, supported by the receipt of the firm from which salt has been purchased, or the permits issued for the removal of the salt, as the case may be.

4. The application for refund of duty shall contain the following particulars —

(I) The balance of salt in store at the beginning of the quarter,

(II) The quantity of salt purchased during the quarter,

(III) The quantity of salt used during the quarter and on which a refund of duty is applied for,

(IV) The balance of salt in hand at the close of the quarter,

(V) The quantity, weight and such other details as may be required of products manufactured during the quarter,

(VI) A declaration that the salt on which a refund of duty is applied for has been used *bona fide* in the process of manufacture of   within the applicant's factory at   and has not been used for any other purpose.

5 The application for refund of duty shall be sent to the officer of the Salt or Excise Department appointed in this behalf, who shall after verifying the figures send it on to the Assistant Collector of the Sub-Division for disposal.

6. The manufacturer shall provide and set apart, for the storage of the salt purchased for use in the factory, a store-room securely constructed and with a strong door capable of being locked to the satisfaction of the Assistant Collector of Salt and Excise of the Sub-Division. Salt manufactured in the Presidency and that imported should be stored separately in the store-room.

7. The store-room shall not be opened except during daylight, and then only (*a*) for the receipt of salt into store, (*b*) for the preparation by grinding or the issue of salt required for purposes connected with manufacture or (*c*) to allow the stock of salt to be checked by weighment or otherwise by officers of the Salt and Excise Departments. The

store-room shall not be opened except by or in the presence of the Manager of the factory $\frac{\text{and}}{\text{or}}$ the store-keeper of the factory, who shall retain the key of the store-room in his own possession.

8. All spend lye or other useless refuse containing salt shall be effectually destroyed on or near the premises in such manner as the Deputy Commissioner of Salt and Excise of the Division may direct

9. The premises of the factory may be entered upon and examined at any time by any authorised officer of the Bombay Salt and Excise Department, not below the rank of an Inspector or Sarkarkun, and due facilities for examining the manufacturer's Salt Register as well as for checking the stock of salt received, expended and in hand, shall be afforded by the Manager and all servants of the manufacturer. Salt shall be stored in the bags as received from the Salt Works or depôt and bags arranged in tiers so as to facilitate checking and weighment.

10. The register referred to in the preceding rule shall be written up daily and signed by the Manager or store-keeper and shall be in the form hereto annexed. Separate registers shall be maintained for salt manufactured in the Bombay Presidency and for imported salt.

11. The Manager of the factory shall furnish the Assistant Collector of the Sub-Division through the officer of the Salt or Excise Departments appointed for this purpose with a monthly statement, to be posted by the 10th of each following month, showing the opening balance of salt at the beginning of the month, the quantity purchased during the month, the quantity expended during the month, the balance at the close of the month and the weight or quantity or other particulars as may be required, of the article produced for which salt was used during the month. The manufacturer's book showing the weight or quantity of the article dealt with and the product manufactured shall be open at any time to the inspection of any officer of the Salt or Excise Department, not below the rank of an Inspector or Sarkarkun.

Salt Register.

(Rules 9 and 10.)

Register of Salt purchased, expended and in store together with the weight or quantity of products manufactured.

Date.	Opening balance of salt	Quantity of salt received into store	Total quantity of salt in hand.	Quantity of salt issued and expended	Closing balance of salt	Quantity or weight of products manufactured	Manager's signature	Remarks
	M s	M s	M s	M s	M s			

KNOW all men by these presents that I do hereby state and agree and whereas I carry on the trade or business of under the name and style of hereinafter called the manufacturer and the Government of Bombay have with a view to encourage and facilitate industry expressed a desire of remitting the duty on the salt which may be actually necessary for on the conditions hereinafter set forth, and whereas I have accepted and agreed to conform to and abide by the said conditions in consideration of obtaining the salt which may be required free of the duty imposed, I do hereby make the following declarations :—

(1) [illegible]

subjoined and which are to be considered as a part of this agreement.

(2) It is hereby further agreed and promised on the part of the manufacturer that the salt on and for which a drawback and refund will be applied shall *bona fide* have been used for* within his factory at † and that it shall not at any time be applied to any other purpose.

* The purpose for which concession is granted should be entered here.

† Town and locality.

(3) It is also agreed and covenanted on the part of the said manufacturer that in the event of breach of any of the conditions herein set forth, or there being reason to believe non-compliance wholly or partially of any kind and description with the rules hereinafter set forth, or there being reason to suppose that the concession of a drawback of duty on the salt used by the said manufacturer is being otherwise abused, the Government shall be competent to impose a preventive establishment at the cost and expense of the said manufacturer, or make any other arrangement that under the circumstances seem necessary and advisable or cancel or withdraw the concession and grant hereby alluded to and secured.

(4) It is further agreed and covenanted that the said manufacturer shall pay to the Bombay Salt Revenue Department to cover the cost of the requisite inspections hereinafter alluded to in the rules and other departmental expenses involved, a fixed sum of rupees one hundred a year at such times and such places and in such manner as the Commissioner of Customs, Salt and Excise may prescribe and direct. No refund of the fee credited to Government or any portion thereof for the unexpired period shall be granted on any account.

(5) It is further agreed that the said manufacturer shall be responsible for any loss or damage that may be occasioned by breach of the conditions and rules herein set forth.

In witness whereof.

Witness to signature.

RULES FOR THE REMISSION OF DUTY ON SALT ISSUED FOR USE AS A DRYING AGENT IN THE ACETONE FACTORY AT DEOLALI.

I. The Superintendent may obtain salt to the extent of 3 tons per mensem for use as a drying Agent either (*a*) from an approved Firm of importers of Liverpool Salt or (*b*) in the ordinary way on payment of duty from one of the Salt-works in the Thana or Kolaba Sub-division, or from Kharaghoda or one of the agencies established for the sale of Baragra Salt or Rock Salt from Khewra. The Superintendent of the Factory shall, at the close of each quarter, submit an application for a refund of the duty on the salt

used supported by the permits issued for the removal of Salt or the receipts of the firm from which the Salt has been purchased as the case may be.

II. The application shall contain the following particulars :—

(1) The balance of Salt in store at the biginning of the quarter.

(2) The quantity of Salt purchased during the quarter.

(3) The quantity of Salt used during the quarter, and on which a refund of duty is applied for.

(4) The balance of Salt in hand at the close of the quarter.

III. The application shall be sent to the Assistant Collector of Salt and Excise, Thana Sub-division, for disposal.

IV. (1) The Superintendent shall provide and set apart for the holding of the Salt purchased for use in the factory a store-room securely constructed and with a strong door capable of being locked.

(2) Separate storage should be provided for Salt manufactured in Britsh India and for imported Salt.

V. The Store-room shall not be opened except during daylight and then only (*a*) for the receipt of Salt into store, (*b*) for the preparation by grinding or the issue of Salt required for purposes connected with the said process of manufacture and (*c*) to allow of the stock of Salt being checked by weighment or otherwise by the Superintendent. Nor shall the store-room be opened except by or in the presence of the Superintendent of the factory or the store-keeper of the factory who shall retain the key of the store-room in his own possession.

VI. All spend lye or other useless refuse containing Salt shall be effectually destroyed on or near the premises in such manner as the Superintendent may direct.

VII. All salt received, expended and in hand shall be entered in a Special Register which shall be written up daily and signed by the Superintendent or any other officer duly authorized by him in this behalf and shall be in the form hereto annexed.

Salt Register.

(Rules VII)

Date.	Opening balance of Salt.				Quantity of Salt received in store.				Total quantity of Salt in hand				Quantity of Salt issued and expended				Closing balance of Salt				Manager's signature.	Remarks
	Liverpool		Salt manufactured in British India.		Liverpool.		Salt manufactured in British India		Liverpool		Salt manufactured in British India		Liverpool		Salt manufactured in British India		Liverpool		Salt manufactured in British India			
	M	s.	M	s.	M.	s	M	s	M	s	M	s	M	s	M	s	M	s	M	s		

Remission of duty on imported Salt used in the process of manufacture.

In exercise of the powers conferred by section 2 of the Sea Customs Act, 1878 (VIII of 1878), and in supersession of the Notification of the Government of India in the Department of Revenue, Agriculture and Commerce, No. 150, dated the 12th July 1877, the Governor General in Council is pleased to exempt from Customs duty *salt* imported into British India and issued in accordance with rules made with the previous sanction of the Governor General in Council, *for use in any process of manufacture.*

(G of I. No 2114-S.R. of 20th April 1903; *B. G. G.*, Part I, of 1903, page 572.)

Rate of wastage allowance to be made on Salt exported by steamers or square rigged vessels to certain ports.

Under section 7, clause B, the Governor General in Council is pleased to remit, subject to any rules which the Governor of Bombay in Council may make in this behalf, the duty in respect of the actual amount of salt wasted, upto a maximum of 5 per cent. which is imposed under clause A on salt manufactured in the Presidency of Bombay when such salt is exported by sea in square rigged vessels or steamers to the Ports of Calcutta, Madras, Mangalore, Cochin, Ponani, Beypur, Calicut, Badajara, Tellicheri and Cannanore in British India.

(G. of I., F. D., No. 3161-Ex. of 1st June 1905 published as B. G N. No. 4606 of 7th June 1905, page 681 of *B. G. G*, Part I, of 1905.)

RULES FOR THE GRANT OF WASTAGE ALLOWANCE.

1. Duty shall be paid on the whole quantity of salt removed from the salt works under permits.

Drawback of salt duty when and how to be paid.

2 A drawback of 5 per cent. shall be granted on the quantity removed from the works, less any quantity short shipped upon which full duty will be recovered in Bombay. In the case of salt exported on prepayment of duty in cash, the drawback shall be payable as soon as the vessel carrying the salt has left the port of Bombay for its destination; but in the case of salt shipped under the credit system, the drawback shall be payable at the time the credit account is adjusted.

Particulars of shipment to be furnished by the Collector of Customs, Bombay.

3. The quantity of duty paid salt and free salt (*viz.*, salt covered by the wastage allowance) carried by each vessel shall be distinctly stated in the manifest; and the Collector of Customs, Bombay, shall furnish the Collector of Customs, Calcutta, Madras, etc., with particulars of each shipment. The quantity shown in the manifest as having been actually shipped will be the aggregate of the quantities noted on the

several permits as having passed the Salt Preventive Station to or the quantity ascertained on weighment over the exporting vessel's side, whichever may be less.

Customs Collectors of the ports of destination.

4. On importation at Calcutta, Madras, etc., duty will be levied on any excess found over and above the quantity shown in the manifest as duty paid, that is, 95 per cent. of the quantity removed from the works under permit.

Duty on excess over the quantity shown in the manifest to be recovered at the port of import

5. The Collector of Customs, Calcutta, Madras, etc., shall inform the Collector of Customs, Bombay, how each shipment has been dealt with at Calcutta, Madras, etc. :—

Example.

	Maunds.		Rs
Quantity removed under permits.	10,000	Duty paid in Bombay ..	12,500
Do. shipped ..	9,800		
Do short shipped ..	200		
Do. on which drawback allowed gross at 5 per cent. ..	500		
Net ..	300	Duty refunded..	375
		Duty recovered in Bombay ..	12,125
Quantity shown in manifest—			
Duty paid ..	9,500		
Free ..	300		
	9,800		

	Maunds		Rs.
Quantity found on importation at Calcutta ..	9,650		
Wastage ..	150		
Quantity on which duty is to be recovered at Calcutta (*i.e.*, 300 maunds free salt *minus* 150 maunds wastage) ..	150	Duty recovered at Calcutta.	187-8-0

NOTE—In determining the amount of deduction to be made from the drawback to be paid to the shipper the total excess and deficiencies found by the Preventive Officer on re-weighment of the salt on board the receiving vessel after the whole of the cargo intended to be shipped has been weighed should, if the salt belongs to one shipper, be set off against each other; if to more than one shipper, excesses and deficiencies in the quantity belonging to a single shipper only should be set off against each other.

CHAPTER IV.

OFFENCES AGAINST THE SALT-REVENUE.

Penalties. 9. Whoever commits any of the following offences (namely):—

(*a*) does anything in contravention of this Act or of any rule made hereunder;

(*b*) evades payment of any duty or charge payable under this Act or any such rule; or

XLV of 1860. (*c*) attempts to commit, or abets within the meaning of the Indian Penal Code * the commission of any of the offences mentioned in clauses (*a*) and (*b*) of this section,

shall, for every such offence, be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to six months, or with both;

and the convicting Magistrate, on the application of the Assistant Commissioner or Salt-revenue officer,

* For Act XLV of 1860, see the revised edition as modified up to 1st August 1890, published by the Legislative Department.

may declare to be confiscated all works, materials and implements constructed or prepared for the purpose of manufacturing or refining salt or saltpetre contrary to the provisions of this Act or any such rule.

11. A charge of an offence under section 9, * * * shall not be entertained except on the complaint of an Assistant Commissioner or other Salt Revenue Officer not inferior in rank to a Sub-Inspector, Charge by whom to be preferred.

and no such complaint shall be admitted unless it is preferred within six months after the commission of the offence to which it refers. Limitation.

All such offences shall be tried by a Magistrate exercising powers not less than those of a Magistrate of the second class. Jurisdiction.

Limitation.

Queen-Empress v. Nageshappa Pai.

On the 13th December 1894, the accused (Nageshappa) was charged by the Customs authorities before the Second Class Magistrate of Khanapur in the Belgaum District with having on the 29th December 1893 and the 2nd January 1894 clandestinely removed salt without paying the customs duty.

The accused pleaded that the complaint having been made more than 6 months after the date of the alleged offence was not to be entertained under section 11 of the General Salt Act XII of 1882.

The Magistrate overruled this plea and held that the complaint was in time, observing—

"I hold that the case is not barred by the provisions of section 11, if it is proved that there has been a fraud by which the prosecution were kept in ignorance of the occurrence of the alleged offence."

The accused appealed to the High Court in its revisional jurisdiction to reverse this order of the Magistrate.

Held that a complaint of criminal offence is not a suit [illegible]

(G R. 21, dated 17th June 1895, Jardine and Ranade, J.J.)

RULES APPLICABLE TO THE PROVINCE OF SIND UNDER THE INDIAN SALT ACT, XII OF 1882.

The following rules made by the Governor General in Council in exercise of the power conferred by the 'Inland Customs Act, 1875', extended to the Province of Sind by Notification No. 262, dated the 28th December 1887, are published under section 30 of the said Act:—

1. In the following Rules the word 'Commissioner' means the Commissioner in Sind, and the word 'Collector' in any provision of these rules includes (*a*) any revenue officer in independent charge of a district; and (*b*) any officer not lower in rank than a Mukhtyarkar duly authorised by the Governor of Bombay in Council to discharge the functions of a Collector under such provision.

2. 'Manufacture of salt' in these rules does not *include the excavation or removal of natural saline deposits* or efflorescence.

CHAPTER I.

OF THE MANUFACTURE OF SALT.

3. No salt shall be manufactured in any part of Sind except in the Karachi, Hyderabad, Shikarpur, and Upper Sind Frontier districts.

4. The manufacture of salt is authorized, subject to the conditions next hereinafter prescribed, in the Karachi, Hyderabad, Shikarpur, and Upper Sind Frontier districts.

5. On all salt manufactured in any of the said districts there shall be levied a duty at the rate of Re. 1¼ per Indian maund.

Application for license to manufacture salt.

6. Any person wishing to manufacture salt in the said districts may apply to the Collector for a license.

In the case of refusal, an appeal shall lie to the Commissioner, whose orders shall be final.

The license shall be in the form given in the schedule hereto annexed, and shall be signed and issued by the Collector.

Manufacture, storage and sale of salt.

7. The manufacture of salt, and the storage and sale of the salt manufactured, shall be carried on in conformity with the conditions of the license, and under the supervision of the Revenue and Salt Establishment.

8. No salt shall be removed from the place of manufacture for the purpose of storage, or after storage from the place of storage for the purpose of re-storage, to any other place, except under the written authority of the officer in charge of the works; and all salt removed under such authority shall be weighed previous to removal in the presence of such officer, or other officer whom he may depute.

Removal of salt from factory for storage.

9. No salt shall be removed for consumption from the place of manufacture or of storage unless covered by a permit certifying that duty at the prescribed rate has been paid on it.

Remoavl for consumption

10. Previous to removal under Rule 9, the salt shall be weighed in the p [illegible] who shall enter [illegible] the date of remc [illegible] weighed the salt, and that no greater quantity has been removed than that mentioned in the permit.

Weighment.

11 Licenses may be cancelled by the Collector giving one month's notice, or on the application of the licensee.

In the case of cancelment of license for infringement of its conditions, no notice shall be necessary.

Cancelment of licenses.

12. Within the limits of the districts mentioned in Rule 4, no person shall have salt exceeding twenty sers in his possession, or shall sell any salt without a license from the Collector.

Possession and sale of salt within limits of districts.

13. Nothing contained in this Chapter shall apply to the manufacture of salt by or on behalf of the Government.

This chapter not to apply to manufacture by Government.

CHAPTER II.

Of the Possession of and Sale of Salt in the vicinity of natural Salt deposits in Sind.

14. The area defined for the purposes of section 10, clause (*f*) of the Inland Customs Act, 1875, round such natural salt deposit in Sind, shall extend to a distance of ten miles from the boundary of such deposit on all sides. Such an area is hereinafter termed a "Protected area".

Protected areas.

15. No person shall possess any salt within a protected area unless accompanied by rawana or certificate covering the same as hereinafter provided.

Possession of salt within such area.

Rules Applicable to the Province of Sind under the Indian Salt Act, XII of 1882.

The following rules made by the Governor General in Council in exercise of the power conferred by the 'Inland Customs Act, 1875', extended to the Province of Sind by Notification No. 262, dated the 28th December 1887, are published under section 30 of the said Act:—

1. In the following Rules the word 'Commissioner' means the Commissioner in Sind, and the word 'Collector' in any provision of these rules includes (*a*) any revenue officer in independent charge of a district; and (*b*) any officer not lower in rank than a Mukhtyarkar duly authorised by the Governor of Bombay in Council to discharge the functions of a Collector under such provision.

2. 'Manufacture of salt' in these rules does not include the excavation or removal of natural saline deposits or efflorescence.

CHAPTER I.

Of the Manufacture of Salt.

3. No salt shall be manufactured in any part of Sind except in the Karachi, Hyderabad, Shikarpur, and Upper Sind Frontier districts.

4. The manufacture of salt is authorized, subject to the conditions next hereinafter prescribed, in the Karachi, Hyderabad, Shikarpur, and Upper Sind Frontier districts.

5. On all salt manufactured in any of the said districts there shall be levied a duty at the rate of Re. 1¼ per Indian maund.

Application for license to manufacture salt.

6. Any person wishing to manufacture salt in the said districts may apply to the Collector for a license.

In the case of refusal, an appeal shall lie to the Commissioner, whose orders shall be final.

The license shall be in the form given in the schedule hereto annexed, and shall be signed and issued by the Collector.

Manufacture, storage and sale of salt.

7. The manufacture of salt, and the storage and sale of the salt manufactured, shall be carried on in conformity with the conditions of the license, and under the supervision of the Revenue and Salt Establishment.

8. No salt shall be removed from the place of manufacture for the purpose of storage, or after storage from the place of storage for the purpose of re-storage, to any other place, except under the written authority of the officer in charge of the works; and all salt removed under such authority shall be weighed previous to removal in the presence of such officer, or other officer whom he may depute. Removal of salt from factory for storage.

9. No salt shall be removed for consumption from *the place of manufacture or of storage unless covered by* a permit certifying that duty at the prescribed rate has been paid on it. Removal for consumption

10. Previous to removal under Rule 9, the salt shall be weighed in the presence of the officer in charge of the works, who shall enter on the permit the weight of salt removed and the date of removal, and shall certify that he has personally weighed the salt, and that no greater quantity has been removed than that mentioned in the permit. Weighment before removal.

11. Licenses may be cancelled by the Collector giving one month's notice, or on the application of the licensee. Cancelment of licenses.

In the case of cancelment of license for infringement of its conditions, no notice shall be necessary.

12. Within the limits of the districts mentioned in Rule 4, no person shall have salt exceeding twenty sers in his possession, or shall sell any salt without a license from the Collector. Possession and sale of salt within limits of districts.

13. Nothing contained in this Chapter shall apply to the manufacture of salt by or on behalf of the Government. This chapter not to apply to manufacture by Government.

CHAPTER II.

Of the Possession of and Sale of Salt in the vicinity of natural Salt deposits in Sind.

14. The area defined for the purposes of section 10, clause (*f*) of the Inland Customs Act, 1875, round such natural salt deposit in Sind, shall extend to a distance of ten miles from the boundary of such deposit on all sides. Such an area is hereinafter termed a "Protected area". Protected areas.

15. No person shall possess any salt within a protected area unless accompanied by rawana or certificate covering the same as hereinafter provided. Possession of salt within such area.

Issue of dakhila to purchaser of salt. 16. Any person wishing to remove salt from the deposists shall first pay the price into such Government Treasury as the Commissioner may from time to time appoint, and shall receive in return a dakhila or receipt.

Presentation of dakhila with darkhast 17. He shall present the dakhila with a written requisition or darkhast to the Assistant Commissioner of Salt, Excise and Opium in Sind, and the Assistant Commissioner shall thereupon grant a permit or rawana signed by himself and sealed in his presence.

Period of currency of rawana. 18. The rawana shall be current and valid for such period, not being less than five days or more than six weeks, as the Commissioner may from time to time prescribe.

But when a rawana is presented at the deposit and the salt is ready for delivery and is tendered to the holder more than seven days previous to the expiry of such period, such *rawana shall cease to be valid on the expiry of seven days* from the date on which the salt has been tendered, unless the officer in charge of the deposit by an order endorsed upon the rawana allows it to run on for its full period or any portion thereof.

The period of currency shall count from the day on which the rawana is delivered to the applicant, that day being included and being noted on the face of the rawana.

Limitation of number of rawanas. 19. The Commissioner may from time to time make rules to limit the number of rawanas with reference to the quantity of salt to be delivered to any person at one time, and may fix the minimum quantity of salt to be covered by a single rawana

Examination and endorsement of rawans at the deposits 20. One rawana being presented at the deposit and salt being issued thereunder the officer in charge before allowing such salt to be removed shall ascertain that such rawana is still in force and covers the amount of salt being issued, and shall then endorse such rawana and return it to the purchaser.

Removal of salt delivered to purchaser. 21. When on the application of a purchaser salt is got ready for delivery and is tendered to him, he shall remove it that same day to a distance of at least one mile from the deposit, unless an order endorsed on the rawana permits him to keep it within a shorter distance.

Divisions of salt under despatch 22. If a purchaser desires to divide the despatch of salt covered by the rawana, he shall apply to the Collector who issued the rawana and the Collector shall issue as many

partition or atrafi rawanas as may be required and cancel and resume the original rawana.

23. If anything occurs to prevent the purchaser taking delivery of the salt in time to remove it from the protected area before the expiry of his rawana, the Collector may in his discretion, but subject to such restrictions as the Commissioner may from time to time impose, renew such rawana at any time not more than six months from the date of original issue. If the application for renewal is made later than one week before the expiration of the original rawana, it shall be complied with only on the applicant paying a fee of one twentieth of the price originally paid. Renewal of rawana.

The currency of the fresh rawana shall not exceed the limits prescribed under Rule 18.

24. If renewal be required in respect of a portion only of the salt, partition rawana must be issued as provided for in Rule 22. Renewal in respect of a portion of the salt.

25. Applications for renewal, except as provided in Rules 23 and 24, shall be forwarded for the orders of the Commissioner, who may, to protect traders from unmerited loss, authorise such further renewals as he may deem fit. Further renewal.

26. The deposit of salt for retail sale to the people inhabiting a protected area may, subject to any conditions prescribed by the Commissioner, be permitted at any place within the limits of such area approved of by the Collector. The rawana designed to cover such deposit shall be endorsed by the Collector for that purpose, and shall remain in force for a period not exceeding four months. Deposit of salt for retail within the protected area.

27. Every person retailing salt under such a rawana shall keep a register of sales daily written up and shall give to each purchaser a certificate stating the date of sale, the name of such purchaser, and the quantity purchased. Procedure in retailing salt

28. A certificate given under Rule 27 shall cover the salt sold under it while in the possession of the purchaser as if it were a rawana. Effect of certificate of retail sale.

29. When rawana is lost or destroyed, the person to whom it was granted may make an application to the Collector for a duplicate, and with his application shall deposit with the Collector an amount equivalent to that paid for the original rawana, *plus* five per cent. on the same as a fee. The Collector may thereupon grant a duplicate rawana. Grant of duplicates of lost rawanas.

On the expiry of the currency of the original rawana if it has not been utilised, the amount paid for such rawana shall be refunded. The extra five per cent. shall be retained and credited to Government, unless the Collector thinks fit to refund the whole or any portion of it.

Procedure on stoppage for examination.

30. When any salt is stopped for examination within the protected area by a salt officer, the rawana covering the despatch shall be presented by the trader or his agent to such officer, who will satisfy himself that it is a genuine document, and that its currency has not expired, and may then proceed to examine and superintend the weighment of the despatch.

He may weigh at the Government scales either the entire despatch or such portion of it as may be prescribed from time to time by rules to be issued by the Commissioner.

Procedure on excess being found on partial weighment

31. If only portion of the despatch is weighed and any excess is found over the quantities specified in the rawana the weight of the whole despatch may, unless the trader objects, be calculated proportionately.

Procedure and penalties in the case of excess found on weighment

32. If on weighment of salt it is found to exceed the quantity entered in the rawana the following practice shall, as a general rule, be observed by the officer in charge of the post:—

(*a*) If the excess is not more than one per cent. he shall allow the despatch to pass.

(*b*) If the excess is more than one and not more than five per cent., he shall, on submitting his report under section 21 of the Act, recommend that the despatch be released on the trader paying a sum equal to double the Government price of the excess.

(*c*) If the excess is more than five per cent., or in any case if there be reason to suspect fraud, he shall recommend confiscation.

CHAPTER III.

OF THE SEIZURE, DISPOSAL OR DESTRUCTION OF THINGS LIABLE TO BE SEIZED OR DESTROYED UNDER THE ACT.

Release of things seized or reported for confiscation

33. When anything is seized and detained under the Act or the rules made under the Act, it shall not be released until all duty, penalties and charges due on account thereof *have been paid by the owner to the officer who is in possession* of such thing.

If the thing is reported for confiscation, it shall not be released unless orders for the release are received from the competent authority.

Provision for keep of animals seized.

34. If an animal is so seized and detained, the owner shall provide for its due care and keep, in default of which the animal may be sold to defray charges.

Procedure on receipt of order for release whereon duty or penalty is payable.

35. If orders are received from competent authority for the release of any thing seized and detained, and no duty or penalty is payable in respect of such a thing, it shall at once be given up to the owner or his agent, on his paying all charges incurred.

Notice to absent owner.

36. Should no one be present to receive the thing released, the officer in charge shall do his best to give notice to the owner of the order of release, and shall cause a similar notice to be affixed at the salt chauki and at the Collector's office.

Sale of things unclaimed.

If within two calendar months from the date of the notice, no person entitled to receive the thing claim it, and pay all charges incurred, it shall be sold, and the proceeds placed in deposit.

Lapse of proceeds to Government

After a further period of four calendar months the proceeds shall be forfeited to His Majesty.

Procedure where any duty or penalty is payable.

37. If any duty is leviable, or penalty is imposed by competent authority, in respect of the thing seized, unless such duty or penalty, together with all charges incurred, be paid within three days of the receipt of the orders of competent authority for release subject to such payment, the thing shall be sold, and from the proceeds the duty, penalty and charges shall be deducted and the balance made over to the owner or his agent.

Notice to owner of surplus proceeds.

Should no one be present to receive the money, notice as under Rule 37, shall be given, the money being kept in deposit for two calendar months.

[illegible]

If not claimed within this period, it shall be forfeited to His Majesty.

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38. When orders are received from competent authority for the confiscation of any thing seized and detained, it shall with all convenient despatch, be sold or destroyed as the Collector may direct.

Sale or destruction of works and materials confiscated.

39. When a Magistrate declares the confiscation of works, materials, or implements, under section 11 of the Act, they shall be sold or destroyed by dismantling or otherwise under the orders of the Collector.

CHAPTER IV.

SUBSIDIARY RULES.

Power to make subsidiary rules and prescribe forms.

40. The Commissioner may make subsidiary Rules and prescribe all forms necessary for the administration of the act and these rules.

SCHEDULE.

(See rule 7.)

Form of License to manufacture Salt.

License to manufacture, store and sell (here specify the quantity of salt to which the manufacture is to be limited) Indian maunds salt at in the district of is hereby granted to (here mention names of licensees and their agents, if any) under the following conditions, the infraction of any of which shall involve penalties under Act VIII of 1875, and the suspension or cancelment of this license :—

First.—That the rules prescribed by the Governor General in Council under the said Act, and subsidiary rules which may be issued by the Commissioner, shall be strictly observed by the licensee, his agent and servants.

Second.—That none but good salt capable, in the judgment of the officer in charge of the works, of bearing the Government duty shall be manufactured. All inferior salt shall be thrown back for re-dissolution in the salt wells or pans in the presence of such officer.

Third.—That the licensee shall manufacture—Indian maunds of salt within days from the date of this license and shall remove the whole of the said quantity of salt on payment of duty at the prescribed rate before the (here mention date). If the whole or any part of the said quantity of salt shall not have been removed on payment of duty at the prescribed rate before the (here mention date) all salt then remaining at the place of manufacture or storage shall be forfeited and sold by auction by the Collector who, having deducted from the amount so realised the duty leviable on the

quantity of salt sold and all expenses attendant on the sale, shall make over the balance, if any, to the licensee.

Fourth.—That a penalty of Rs. 6 per maund shall be paid by the licensee for all salt stolen or made away with either from the place of manufacture or storage, whether with or without his knowledge, and that, until such penalty shall have been paid, the licensee shall not sell or remove any salt from the place of manufacture or of storage.

Fifth.—That salt shall be manufactured and stored at no places other than those hereinafter designated without the consent in writing of the Collector (here describe the places of manufacture and of storage).

This license shall have effect from the date hereof until the (here mention date) or until cancelled.

The Collector may, at his discretion and by order given in writing, extend the period of currency of this license.

District

Dated

Collector.

CHAPTER V.

Of the manufacture of salt on behalf of Government.

41. The manufacture of salt within the limits of Moach Salt Works, or of any other local area to which the local Government may extend these rules, is prohibited, except under the conditions hereinafter prescribed. Manufacture prohibited except on conditions.

42 Any person wishing to manufacture salt within such limits may apply for a license to the Collector, who may grant or refuse the application, and whose order thereon shall be final. Application for license to manufacture salt.

43. The license shall be in the form given in Schedule A hereto annexed, and shall be signed and issued by the Collector. Form of license

44. Licenses may be cancelled by the Collector giving one month's notice or on the application of the licensee: provided that no notice shall be necessary when the license is cancelled by any breach of its conditions. Licenses may be cancelled

Sale or destruction of works and materials confiscated.

39 When a Magistrate declares the confiscation of works, materials, or implements, under section 11 of the Act, they shall be sold or destroyed by dismantling or otherwise under the orders of the Collector.

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Schedule.

(See rule 7.)

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First.—That the rules prescribed by the Governor General in Council under the said Act, and subsidiary rules which may be issued by the Commissioner, shall be strictly observed by the licensee, his agent and servants.

Second.—That none but good salt capable, in the judgment of the officer in charge of the works, of bearing the Government duty shall be manufactured. All inferior salt shall be thrown back for re-dissolution in the salt wells or pans in the presence of such officer.

Third.—That the licensee shall manufacture—Indian maunds of salt within days from the date of this license and shall remove the whole of the said quantity of salt on payment of duty at the prescribed rate before the (here mention date). If the whole or any part of the said quantity of salt shall not have been removed on payment of duty at the prescribed rate before the (here mention date) all salt then remaining at the place of manufacture or storage shall be forfeited and sold by auction by the Collector who, having deducted from the amount so realised the duty leviable on the

52. When a purchaser clears salt from the Moach Salt Works he shall remove it on the day on which the salt is delivered to him to a distance of at least one mile from the works, unless for sufficient reason the officer in charge of the works allows him by order endorsed on the permit, to keep it within shorter distance. Removal of salt delivered to purchaser.

CHAPTER VI.

Of the Possession and Sale of Salt in the vicinity of Moach Salt Works.

53. The area defined for the purposes of section 10, clause (f) of the Inland Customs Act, 1875, round the Moach Salt Works shall extend to a distance of ten miles from the boundary of the said works on all sides: provided that the town and Cantonment of Karachi, together with the suburbs of Keamari and Manora, shall be excluded from such area. Protected area

54. The area defined in Rule 53 shall be called a 'protected area' and the provisions of sections 15, 26, 27, 28, 29, 30, 31 and 32 of Chapter II of the Rules of the 7th August 1878 shall apply to the possession and sale of salt within such area. Possession and sale of salt within such area.

55. With the exception of Rule 40 of the Rules of the 7th August 1878, and the Rules specified in Rule 54, the Rules of the 7th August 1878 shall not apply to the manufacture, sale, or storage of salt or to any other matter provided for by these Rules. Rules of 7th August 1878 not to apply to the Moach Works, with certain exceptions.

Schedule A.

(See Rule 43.)

Form of license to manufacture salt at the Government Salt Works, Moach, in the District of Karachi, is hereby granted to (here give name) in the holding No. under the following conditions, the infraction of any of which shall involve penalties under Act VIII of 1875 and the cancellation of this license :—

First.—That the rules prescribed by the Governor General in Council under the said Act, and any subsidiary rules or departmental orders that may be issued by the Commissioner, shall be strictly observed by the licensee and his servants.

2. The depositor will be entitled *to receive salt to* the amount of credit given to him as shown in the Collector's receipt for his deposit. The credit will be fixed according to the market value of the securities, a deduction at the discretion of the Collector being made therefrom to meet the contingency of depreciation in the value of the securities during the currency of the credit.

3. No agreement will ordinarily be made or account opened for a sum less than Rs. 2,000, nor shall the credit extend beyond six months. At the close of the prescribed period the depositor must adjust his account, and it will be then open to him to apply for a new credit.

4. The interest accruing on the securities during the time they remain deposited with the Collector will be drawn by the Collector of Salt Revenue and passed to the *credit of the depositor's account current kept by the* Collector as hereinafter provided.

5. The Collector will grant a receipt for the securities deposited with him, and this receipt must be produced and given up when the depositor redeems his securities or closes his account. The amount of credit given will also be shown in the receipt.

6. An account current between the depositor and Government will be kept by the Collector of Salt Revenue at his Office in Bombay, and will be open to the inspection of the depositor or his duly authorized agent on week days during office hours, when, if he wishes, he may also take a copy thereof.

7. It will be optional with a depositor to close his account at any time previous to the expiration of the term of credit by paying the amount shown to be due by him, and thereupon to receive back his securities.

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of S[illegible]
and [illegible]
If t[illegible]
Chief Account [illegible]
the depositor [illegible]
enter the amo[illegible]
the depositor's debit in the account current.

9. At the expiration of the term of credit depositor must pay the balance then due from him on his account current for all the salt removed by him on credit. Should he fail to do so

he must pay interest on such balance from the date on which the credit expired, at the rate of 12 per cent. per annum, subject to the proviso that if it appears to the Collector that the concession has been abused in any particular case he may charge interest from the date on which the credit commenced to run and the Collector may proceed to realize the amount due for principal and interest by the sale of the depositor's securities. Any surplus accruing on such sales will be paid to the depositor. Any loss which may be sustained in the event of the depositor's securities not realizing the sum due by him for principal and interest shall be forthwith paid by the depositor.

10. Payments are to be made at the Head Quarter Office of the Collector of Salt Revenue in Bombay. If any depositor should prefer to make payments into a Government Treasury in the Mofussil, special application may be made to the Collector of Salt Revenue.

11. Depositors must conform to the authorized rules at each salt work or depôt.

Bombay Castle, Revenue Department,
23rd September 1914.

An Agreement made the day of One thousand nine hundred and Between the Secretary of State for India in Council of the one part, and of the other part

The said having fully endorsed and deposited with the Collector of Salt Revenue, Bombay, for the time being the securities hereinafter mentioned, that is to say,

for securing the payment by him the said his executors, administrators or personal representatives, to the said Secretary of State, his successors, or assigns, of all money which shall at any time or times become due or owing from the said his executors, administrators, or personal representatives, to the Government of Bombay on account of excise duty on salt removed from Salt Works in the Bombay Presidency on credit under the rules regulating such credit (a copy whereof is hereunto annexed), or which shall

at any time or times be at the debit of the said in his account current with the said Government in respect of such removals of salt on credit; it is hereby agreed between the said parties hereto, the said Secretary of State agreeing for himself, his successors and assigns, and the said for himself, his executors, administrators and personal representatives, that the said securities so deposited as aforesaid shall be subject and liable to all the provisions of the said rules and to such sale and appropriation of proceeds as therein provided. Further, that the interest which shall accrue due on the said securities while they remain in deposit with the Collector of Salt Revenue for the time being shall be drawn by such Collector and credited in such account current as aforesaid. And lastly, that each of the said parties hereto shall and will adhere to the said rules and shall and will be bound thereby and by every stipulation and provision therein contained. In witness whereof , Esq., Collector of Salt Revenue, has by order of the Governor of Bombay in Council set his hand and the seal of his Office hereto, for and on behalf of the said Secretary of State, and the said has hereunto set his hand the day and year first above written.

Signed by the said

In the presence of Collector of Salt Revenue.

Head Clerk, Collector of Salt Revenue.

Signed by the said

In the presence of

Chief Account Officer of Customs,

Salt and Opium.

The Collector of Salt Revenue, Bombay, is authorised to sign all credit bonds for the removal of salt executed by salt Merchants in the Bombay Presidency. No extension of the prescribed period of credit should be allowed in any case without the sanction of the Commissioner of Customs, Salt, Opium and Abkari.

(G. R. No. 3503, 26th May 1891.)

THE BOMBAY SALT ACT, 1890.

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BOMBAY ACT No. II OF 1890.

(First published, after having received the assent of the Governor General, in the "Bombay Government Gazette" on the 9th July 1890.)

AN ACT TO CONSOLIDATE AND AMEND THE LAW RELATING TO SALT AND THE SALT REVENUE THROUGHOUT THE PRESIDENCY OF BOMBAY.

WHEREAS it is expedient to amend the BOMBAY SALT ACT, 1873, and to enact a consolidated salt law for the whole of the Bombay Presidency; it is enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title. 1. (1) This Act may be cited as the Bombay Salt Act, 1890.

Extent. (2) It extends to the whole of the Presidency of Bombay *.

This Act came into force in the Bombay Presidency excluding Sind on the 9th July 1890, the date on which it received the assent of the Governor General of India.

* The words " but it shall not come into force in Sind till such date as the Governor of Bombay in Council, by notification in the *Bombay Government Gazette*, fixes in this behalf " repealed by Act XVI of 1895, First Schedule Part II, are omitted.

No. 6673, Revenue Department, dated 20th September 1890.

(*B. G. G.* dated 25th September 1890, page 954.)

In exercise of the power conferred by Act XX of 1884, the Governor in Council is pleased to direct that the words " to the Province of Sind " and the word " Province " in paragraphs three and four, respectively, of section 1 of the Indian Salt Act, 1882, shall be repealed from the 1st day of October 1890.

No. 6673A.—dated as above.

In exercise of the power conferred by section 1, sub-section (2), of the Bombay Salt Act, 1890, the Governor in Council is pleased to direct that the said Act shall come into force in Sind on the 2nd day of October 1890.

In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the provisions of Bombay Salt Act, 1890 (Bombay Act II of 1890), so far as they may be applicable, to the Cantonment of Deesa, and further to direct that, for the purposes of the administration of the said Act, the said Cantonment shall be deemed to form a part of the Ahmedabad District in the Province of Bombay.

(G I N. No 2837-1A. of 26th July 1901 printed as an accompaniment to G. R., P. D, No. 6105 of 30th August 1901.)

The Bombay Salt Act of 1873 is extended to the Jaghir territories of the State of Jath so far as its provisions are applicable. Act II of 1890.

(G N. No. 4859 of 14th September 1880.)

2. (1) The Bombay Salt Act, 1873, and Bombay Act V of 1882 (an Act to amend the Bombay Salt Act of 1873) are repealed: Repeal of Enactments.

(2) Provided that—

(a) All rules and appointments made, licences and permits granted, notifications published and powers conferred under either of the said enactments and now in force shall, so far as they are consistent with this Act, be deemed to have been respectively made, granted, published and conferred hereunder:

(b) the said repeal shall not affect any act done, or any offence committed, or any proceedings commenced or any claim which has arisen or any penalty which has been incurred, before this Act came into force.

3 In this Act, unless there is something repugnant in the subject or context, Definition.

(a) "Commissioner" means a Commissioner of Salt Revenue;

(b) "Collector", "Deputy" and "Assistant" Collector mean, respectively, a Collector or a Deputy or Assistant Collector of Salt Revenue;

(c) "salt revenue-officer" means an officer of the Salt Department and includes any other person, whether a Government Officer or not, invested under section 10 with any power under this Act;

(*d*) " natural salt " means salt spontaneously produced natural saline deposits and efflorescence ;

(*e*) " salt " includes natural salt ;

(*f*) " salt-earth " means earth naturally impregnated with salt, or with which salt is mixed ;

(*g*) " manufacture " includes every process by which salt is separated from brine or earth or any other liquid or substance, and also every process for the purification or refinement of salt ;

(*h*) " salt-work " includes—

(i) a place used or intended to be used for the manufacture of salt and all embankments, reservoirs, condensing and evaporating pans, buildings and waste places situated within the limits of the same ;

(ii) all drying grounds and storage platform and storehouses appertaining to any such place ; and

(iii) land on which salt is spontaneously produced ;

(*k*) a " private salt-work " is one not solely owned or not solely worked by Government ;

(*l*) " licensee of a salt-work " means a person licensed to manufacture, excavate or collect salt at, or remove salt from, a salt-work ;

(*m*) " contraband salt " mean A.— Salt or salt-earth removed from a salt-work or from a Government warehouse, or store, or manufactured, excavated, collected, packed, stored, landed, transported or had in possession in contravention

(i) of this Act or of any other enactment relating to the salt-revenue at the time being in force ; or

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(*a*) This clause was substituted for the original clause by Bom. I of 1901, S. 1.

The original clause was as follows:—

"M" ' contraband-salt' means salt or salt-earth manufactured, excavated, collected, packed, stored, landed, transported or removed from a salt-work or from a Government warehouse or store, or had in possession, in contravention,

(i) of this Act, or of any other enactment relating to the salt-revenue at the time being in force, or

(ii) of any rule or order made under this Act or under any other such enactment as aforesaid, or

(iii) of any license or permit issued under this Act, or under any other such enactment as aforesaid.

(ii) of any rule or order made under this Act or under any other such enactment as aforesaid ; or

(iii) of any license or permit issued under this Act, or under any other such enactment as aforesaid ; and

B.—Salt which has evaded payment of any duty imposed under section 7 (*a*) of the Indian Salt Act, 1882, or of any duty leviable under any Tariff Act in force for the time being ;

(*n*) " maund " means an Indian maund of 82$\frac{2}{7}$ pounds avoirdupois weight ;

(*o*) " possession " or " removal " of salt or salt-earth by a servant or agent of any person, on that person's account, shall be deemed to be possession or removal thereof by such person.

Ruling Imperator vs Sawlo Kundlik.

A person, who transports from foreign territory into British India any quantity, however small, of contraband salt, as defined in the substituted clause M, section 3 of Bombay Act II of 1890, is guilty of an offence of possessing such salt, and thereby renders himself liable to the punishment prescribed by section 47, clause C, of that Act.

(Criminal Ruling No. 4 of 23rd January 1902, Candy and Fulton JJ.)

CHAPTER II.

Establishment and Control.

Power for Governor in Council to appoint Superior officers of the Salt Department.

4. (1) Subject to the general control of the Governor General in Council, the Governor in Council may, from time to time, appoint, either by name or by virtue of their office, so many persons as he thinks fit to be Officers of the Salt Department.

(2) The said officers shall be appointed under the designations of—

(*a*) Commissioner of Salt Revenue ;

(*b*) Collector of Salt Revenue ;

(*c*) Deputy Collector of Salt Revenue ;

(*d*) Assistant Collector of Salt Revenue and such other designations, if any, as the Governor in Council thinks fit.

(3) Each such officer shall be appointed for such local area as the Governor in Council from time to time defines in this behalf.

(4) The Governor in Council may suspend, remove, dismiss or accept the resignation of, *any person appointed* under this section.

(5) The Governor in Council may at any time withdraw from any officer any of the powers or duties which are, or which may be conferred, or imposed by, or under this Act.

No. 11843, Revenue Department, dated 3rd October 1917.

In exercise of the powers conferred by section 4 of the Bombay Salt Act, 1890 (II of 1890), the Governor in Council is pleased to appoint the Deputy Commissioners of Salt and Excise, Northern, Central and Southern Divisions, to be, by virtue of their offices, Collectors of Salt Revenue within their respective jurisdictions.

[Published at page 279 of the "Bombay Government Gazette" dated March 26, 1891.]

No. 2097.—In exercise of the power conferred by section 4 of the Bombay Salt Act, 1890, His Excellency the Governor in Council is pleased to appoint the Commissioner in Sind to be *ex-officio* Commissioner of Salt Revenue, and the Collector and Assistant Collector of Customs for the time being to be respectively *ex-officio* Collector and Assistant Collector of Salt Revenue for the Province of Sind.

No. 1087, Revenue Department, dated 1st February 1909.

In exercise of the power conferred by section 4 of the Bombay Salt Act, 1890 (Bom. II of 1890), the Governor in Council is pleased to appoint the Assistant Commissioner of Salt, Excise and Opium in Sind by virtue of his office to be a Collector of Salt Revenue for the Province of Sind.

No. 10336, Revenue Department, dated 17th December 1891.

In exercise of the power conferred by section 4 of the Bombay Salt Act, 1890, and in continuation of Notification No. 2097, dated the 23rd March 1891, published at page 271 of the *Bombay Government Gazette* of the 26th idem His Excellency the Governor in Council is pleased to appoint the officer holding the following appointments for the time being to be by virtue of their respective offices Collectors of Salt

Revenue within the limits of their respective ordinary revenue jurisdictions :—

All Collectors in Sind,

The Deputy Commissioners, Thar and Parkar and Upper Sind Frontier Districts,

All Assistant and Deputy Collectors in charge of a division of a district in Sind.

Collectors charged with carrying out this Act.

5. (1) Subject to the control and direction of the Commissioners to whom they are respectively subordinate and to the orders of Government, the Collectors are charged with the collection of salt-revenue and with the carrying out of the provisions of this Act within the local areas for which they are respectively appointed.

Proviso

(2) Provided that it shall be competent to the Governor in Council, by an order published in the *Bombay Government Gazette* whenever and for so long as he shall deem fit, to keep the office of Commissioner of Salt Revenue in any part of the Presidency in abeyance, and to empower the Collectors in such part, during the time that the said office is so held in abeyance, to exercise the powers and perform the duties of Commissioner within the local areas for which they are respectively appointed, and their proceedings and orders shall, in that case, be subject to the immediate control of Government.

Power of Commissioners

6. Subject to such orders as may from time to time be passed by Government in this behalf, the Commissioners may—

to appoint subordinate officers of the Salt Department, and to punish them for misconduct.

(*a*) appoint such subordinate officers of the Salt Department, with such designations as they deem fit,

(*b*) at any time, after inquiry recorded in writing, fine, dismiss, suspend or reduce any officer so appointed, for any breach of departmental rules or discipline, or for carelessness, unfitness, neglect of duty or other misconduct.

Delegation of powers by Commissioners to Collectors, etc.

7. The powers conferred on Commissioners by the last preceding section may be delegated by any Commissioner in whole or in part, to any Collector or Deputy or Assistant Collector, and any such delegation may be at any time cancelled by the Commissioner.

Provisions of Chapter III, Bombay Land Revenue Code, 1879, to apply to salt-revenue-officers and their sureties. *Cf.* para. 52, P. II.

8. All officers of the Salt Department shall be deemed to be revenue-officers within the meaning and for the purposes of Chapter III of the Bombay Land Revenue Code, 1879, and all the provisions of the said chapter relating to revenue-officers and their sureties shall be applicable respectively to officers of the Salt Department and their sureties: provided that all the powers conferred and duties imposed by the said chapter on the Collector or the Superintendent of Survey shall, in respect of officers of the Salt Department and their sureties, be exercised and performed by the Collectors of Salt Revenue only.

9. (Existing officers in Sind) Repealed by Act XVI of 1895.

Conferment of powers under this Act *Cf* para 37 of Part II

10. (1) The Governor in Council may, from time to time, by notification in the *Bombay Government Gazette* invest—

(a) any officer of the Salt Department either personally or in virtue of his office, or

(b) any Government officer of any other Department either personally or in virtue of his office, or

(c) any other person

with all or any of the powers described or contemplated in sections 28, 38, 39, 42 and 44.

(2) The Governor [illegible] vested in him by this [illegible] Commissioner, subject [illegible] Government may by any order prescribe.

In exercise of the power conferred by sub-section 2 of section 10 of the Bombay Salt Act, 1890, His Excellency the *Governor in Council is pleased to* delegate the power vested in him by sub-section 1 of the said section to the Commissioner of Customs, Salt, Opium and Abkari.

(G. N. No. 1297 of 18th February 1891.)

No. 6673-B., dated 20th September 1890.

Sections 6, 10 clause 1, 17 clause 2, 24 clauses 1 and 2 (except the power to suppress a salt-work) and 25.

In exercise of the powers conferred by section 1 of Act V of 1886, the Governor in Council is pleased to delegate the powers conferred upon him as the Local Government of the province of Sind by the marginally noted sections of the Bombay Salt Act, 1890, to the Commissioner in Sind.

CHAPTER III.

MANUFACTURE, EXCAVATION AND COLLECTION OF SALT AND SALT-EARTH.

Manufacture, etc., of salt prohibited except under a license.

11. No salt shall be manufactured and no natural salt and, except under the provisions of section 14, no salt earth shall be excavated or collected or removed, otherwise than by the authority and subject to the terms and conditions of a license to be granted by the Collector in this behalf.

Cf. para. 81 of Part II.

(a) Provided that no such license shall be necessary for any process of manufacture of salt on which duty has been paid.

Ruling Regina vs. Fakir Purshottam.

Section 11 of Act II of 1890.

Section 47 of Act of 1890.

A peon in the employ of the Salt Revenue Department was found to be in possession of naturally formed salt, which he had collected for his private use. Held that section 18 of the Bombay Salt Act VII of 1873 did not apply to the act of the accused person, which, however, when viewed by light of section 3 which defines the word "Manufacture" to include the collection of salt, is rendered penal by section 19 and made punishable by section 49.

Criminal Ruling of 10th January 1876 (West and Nanabhai Haridas JJ.)

Licenses to be granted by the Collector.

12. The Collector shall, on application, grant a license for the manufacture, excavation, collection or removal of salt, to any person entitled to the same under section 16 or section 17, and may, in his discretion, grant licenses for any of the said purposes or for the excavation, collection or removal of salt-earth to any other persons.

Licenses what to contain.

13. (1) Each such license shall specify—

(a) the name of the person to whom it is granted;

(b) the limits within which the manufacture, excavation or collection under it is to be carried on; and

(c) the place where the salt or salt-earth so manufactured, excavated, collected or removed is to be stored;

and shall be in such form and [illegible]

(a) This proviso was inserted by Bom. II of 1892, S. 1.

* Vide page 80 for rules regulating the disposal of applications for permission to open new salt works.

(2) The Collector may, at any time, call for any such license and alter or amend it in accordance with the conditions so prescribed.

(3) A register of licenses granted under this section shall be kept in the office of the Collector.

Power for Government to make rules for permitting excavation collection or removal of salt-earth without a license.

14. The Governor in Council may, from time to time, make rules for permitting the excavation, collection or removal, by any person or class of persons, in any local area or place defined in such notification, of salt-earth, without a license from the Collector, and may in such rules frame such provisions as he shall deem fit for limiting and regulating such excavation, collection or removal and prescribe the uses to which salt-earth so obtained may be put.

Village officers bound to report illicit manufacture of salt, etc.

15. Every village officer shall communicate to a salt-revenue-officer or to a magistrate, or to an officer in charge of a police-station, within three days after the same shall come to his knowledge, any information which he may obtain of the manufacture, excavation, collection or removal of salt or salt-earth without a license or of any new formation of natural salt in or near his village.

CHAPTER IV.

Private Salt-works.

Proprietors entitled to manufacturing licenses.

Special and permanent rights of manufacturing salt to be recognized.

16. The proprietor of a private salt-work who has by virtue of a sanad, granted by the British or any former Government a special and permanent right to manufacture salt, or to excavate or collect natural salt, shall unless his salt-work is suppressed under section 24 of this Act or has been suppressed under section 33 of the Bombay Salt Act, 1873, be entitled, on application, to a license for such purpose.

Rights of ordinary proprietors of existing salt-works.

17. (1) Except as is hereinafter otherwise provided every proprietor of a private salt-work, to which section 16 does not apply and which is being lawfully worked at the time when this Act comes into force, or which was lawfully worked at any time within three years next before the date on which this Act [illegible]

[illegible]

salt at such work.

(2) Provided that the Collector may at any time withdraw or withhold a license from the proprietor of any salt work to which section 16 does not apply, if no salt shall have been manufactured, excavated, or collected in such salt-work for the three years ending on the thirtieth day of June last preceding the date of his order or, with the previous sanction of the Governor in Council, if such salt-work shall not have produced, on an average, during the said three years, at least five thousand maunds of salt per annum.

Control of Works.

Chaukis and Preventive Stations may be established by the Collector in or near salt-works.

18. (1) The Collector may, for the purposes of this Act, cause chaukis to be erected in such places as he thinks fit within a private salt-work, and the proprietor or licensee of the salt-work shall have no claim for compensation for the ground occupied by such chaukis.

(2) The Collector may also, for the purposes of this Act, station such salt-revenue-officers and other persons as he deems fit within the limits of a private salt-work, and establish preventive stations wherever he thinks fit in the neighbourhood of any salt-work.

The following Preventive Stations are established under this section :—

Name of Taluka.	Name of Preventive Station	Purpose for which established
	1 *Surat Sub division*	For testing.
1. Bulsar	1. Dharasna	All salt
	2 Chharwada	Do.
	2 *Thana Sub division*	
1 Maroli	1. Maroli	All salt.
2 Bassein	1 *Rajawli*	*Salt removed by road*
	2 Bapana	Do
	3 Umela	Do
	4 Papdi	Do
	5 Bassein Barge	Salt exported by sea from Bassein and Rai Talukas
3 Rai	1. Murdha	Salt removed by head-loads for Murdha and Rai villages
	2 Shenkhal	Salt removed by head loads for Dongri and Utan
	3 Sonagar	Salt removed by road for Bhayandar Railway Station and village.
	4 Bhayandar	Salt from Bassein and Rai salt works to be exported by rail from Bhayandar
	5 Malwani	Salt from Malwani salt-works
	6 *Goregaon*	*Salt from Goregaon salt-works*
4 Dadar	1 Wadala	All salt except that from the Kewni salt-works
	2 Kurla	Salt removed from the Kewni salt works *Note*.—Salt passed at the Wadala P. S. for transport by land to places in the Thana District *via* Kurla is tested here a second time.
5 Bhandup	1 Bhandup	All salt
	2 Chendani Bandar (Thana)	For second test of all salt to be exported by rail from Thana
6. Trombay	1 Trombay Barge	*Salt exported by sea from Belapur Taluka and* from Trombay and Devnar Salt-works of the Trombay Taluka
	2 Ghatkopar	Salt exported by land from Ghatkopar and Mahul salt-works
	3 Mahul	Salt exported by sea from Mahul salt-works.
7 Belapur	1 Shirona	Salt exported by land from Sarsola and Nerul salt-works
	2 Belapur	Salt exported by land from Karawa and Belapur salt-works *Note.—After the removal of the Trombay Barge* for monsoon salt to be exported by sea from Belapur is tested at the Belapur Landing place
	3 *Kolaba Sub-division.*	
1 Shewa	1. Shewa Barge at Mora.	All salt from Shewa salt-works to be exported by sea.
	2 Ramshankar	Salt removed by land for local consumption.
	3. Panwel	Salt removed from Ramagar salt-works
2 Uran	1. Mora Barge	All salt removed either by sea or land
	2 *Kots*	*Salt for local consumption.*
3. Karanja	1. Karanja Barge	Salt to be exported by sea from Karanja and Pen Talukas *Note*.—Head loads of salt are tested on the spot by the Daroga Karanja
4 Pen	1. Khachar	All salt removed by road
	4 *Ratnagiri Sub-division*	
1. Vengurla	1 Shiroda	All salt removed by road
	2 *Redi*	*All salt to be exported by sea*
	5 *Kanara Sub-division*	
1	1. Sanikatta	All salt.

19. (1) The Collector may, at any time, by written notice, require the licensee of a private salt-work to store in heaps any sifted or refuse salt which may be lying on such work, or, at such licensee's option, to destroy the same.

Disposal of sifted or refuse salt at a private salt-work.

(2) If the licensee shall fail, within ten days from the date of service of any such notice, either to store in heaps or effectually to destroy the same, the Collector may cause the salt to be effectually destroyed and the cost of so doing shall be recoverable by him from the licensee of the salt-work.

(3) The decision of the Collector as to whether any salt *is sifted or refuse salt shall, for the purposes of this section, be* conclusive.

20. (1) When any heap of salt in a private salt-work has been opened and a portion of it removed, the salt-revenue-officer in charge of the salt-work may, by written notice, require the licensee of the salt-work either to remove the remaining portion of the salt in such heaps or to re-heap and secure the same in such manner as the said officer shall deem sufficient.

Heaps of salt at a private salt-work when opened to be entirely removed or re-heaped.

(2) If the licensee shall fail to comply with such notice within three days from the date of service thereof, the officer aforesaid may offer the salt remaining from the heap for sale, and, if the price offered be not less than the duty leviable thereon, may sell it. If the price offered be less than the amount of the duty, he may cause the salt to be destroyed and the cost of so doing shall be recoverable by him from the licensee of the salt-work.

21. (1) Any salt-revenue-officer not lower in rank than a Sarkarkun may, by written notice, require the licensee of a private salt-work—

Powers for certain salt-revenue-officers to require licensees of private salt-works to repair or re-construct places for storage of salt or to provide for protection of salt or to repair store-houses.

(a) to repair or reconstruct any embankment, platform or place for the storage of salt within such salt-work;

(b) to protect, in any manner which shall appear to such officer sufficient, by thatch or in any other mode customary in the locality, any salt stored upon any such embankment, platform, or place;

(c) to repair, to such officer's satisfaction, any store-house, building or premises used for the storage of salt manufactured, excavated or collected at such salt-work on which duty has not been paid.

(2) If the licensee shall fail to comply with such notice within 20 days from the date of service thereof, the officer aforesaid may cause the necessary work to be executed, and the cost of so doing shall be recoverable by him from the licensee of the salt-work.

For form of notices under Clauses A and B *vide* App. 98 and 99.

Provision for execution of emergent works.

22. If the salt-revenue-officer aforesaid shall be of opinion that, unless any such work as is mentioned in the last preceding section is executed without delay, the salt revenue will be endangered, he may, by written notice, and after recording his reasons for so doing in writing, require the licensee of the salt-work to execute the said work within such period as may be reasonably sufficient for the execution thereof, and, if the licensee fails to comply with the notice within such period, may cause the work to be executed; and the cost of so doing shall be recoverable by him as aforesaid.

Power of Collector to require licensees of private salt-works to construct, re-construct, alter or extend store-houses or to construct places for the storage of salt.

23. (1) The Collector may, by written notice, require the licensee of a private salt-work, within a reasonable period to be prescribed in such notice, to his satisfaction—

(a) to construct within or adjacent to such salt-work a storehouse or other building or premises for the storage of salt manufactured, excavated or collected at such salt-work, on which duty has not been paid ; or

(b) to re-construct, alter or extend any existing store-house or other building or premises used for the storage of such salt as aforesaid ;

(c) to construct within such salt-work any embankment, platform or place for the storage of salt.

(2) If the licensee shall fail within the prescribed period to comply with such notice, the Collector may cause the necessary work to be executed ; and the cost of so doing shall be recoverable by him from the licensee of the salt-work.

Suppression of private salt-works and determination of licenses.

Power for Governor in Council to suppress a private salt-work or to suspend or with-

24 (1) If the licensee of any private salt-work, or his agent, has been found by an authority competent in this respect to have committed any offence punishable under this Act, the Governor in Council may suppress such salt-work, or suspend or withdraw the license to manufacture, excavate or collect salt thereat or to remove salt therefrom.

(2) If any such offence is committed by any person employed at a private salt-work, the Governor in Council may impose a fine not exceeding one thousand rupees on the licensee of such work, unless the said licensee establishes to the satisfaction of the Governor in Council that all due and reasonable precautions were exercised by him to prevent the commission of such offence.

(3) For the purposes of this section the decision of the Governor in Council as to whether any such offence as aforesaid has been committed shall be conclusive.

(4) If any fine imposed under this section is not paid forthwith, the amount thereof may be recovered, upon application by the Collector, by any Magistrate as if the same were a fine inflicted by such Magistrate.

draw license if the licensee offends against this Act; or to fine the licensee if an offence is committed by any person, employed at a private salt-work.

25. Whenever it shall appear necessary to the Governor in Council to obtain the ownership of any private salt-work with a view to suppressing it, he may proceed to acquire such salt-work under the provisions of the Land Acquisition Act, 1870.*

Acquisition of private salt-works under Act X of 1870.

26. Whenever, under any of the provisions of this Act, a private salt-work is suppressed, or a license to manufacture, excavate or collect salt at or to remove salt from any salt-work is withheld, suspended or withdrawn, the Collector may flood the said work with water or take such other measures as he may deem fit for preventing the manufacture or the spontaneous production of salt therein.

Power to destroy suppressed and unlicensed salt-works.

27. (1) Salt in store at any private salt-work on the date when it is suppressed or when a license for the manufacture, excavation or collection of salt thereat or the removal of salt therefrom is withheld, suspended or withdrawn, may be removed by the licensee of the salt-work within the period of six months from the said date, and for the purpose of such removal the license shall for the said period be deemed to continue in force.

Removal of salt from suppressed and unlicensed private salt-works.

(2) The Collector may cause any salt which remains at any such salt-work after the expiry of the said period of six months to be put up for sale, and if the price offered be not less than the duty leviable thereon may sell it. If the price offered be less than the amount of the duty, he may cause the salt to be destroyed.

* This reference to Act X of 1870 should now be read as applying to Act I of 1894.

CHAPTER V.

Removal of Salt from Salt-works or Government Warehouses.

Removal of salt from a salt-work or Government warehouse without a permit prohibited.

28. No salt shall be removed from any salt-work or from any Government warehouse or store, *otherwise than on* account of Government, except under the authority and subject to the terms and conditions of a permit to be granted by a salt-revenue-officer empowered in this behalf.

For form of permit App. 106. The officers invested with powers under this section are mentioned in paragraph 38 of part II.

Permit to be granted only after payment of duty and charges and on a written application.

29. No such permit shall be granted until after payment of the duty and other charges, if any, payable to Government in respect of the salt intended to be removed, nor except upon a written application for the same.

Payment of duty and charges.

30. (1) The duty and other charges, if any, payable to Government shall be paid to such officer as the Commissioner from time to time directs; and he shall give a receipt for the payment in such form as the Commissioner may prescribe.

(2) If the officer authorized to receive the said payment is the same salt-revenue-officer who is empowered to grant the permit, the amount of the duty and other charges, if any, payable to Government in respect of the salt intended to be [illegible] with the [illegible] officer's [illegible]. Otherwise the receipt of the officer authorized to receive payment of the duty and other charges, if any, shall accompany the written application for a permit.

For particulars regarding rules for payment of duty, etc., *vide* pages 78—86.

Form and contents of receipt, written application and permit.

31. (1) The receipt and written application shall, respectively, be in such form and be signed by such persons and contain such particulars as the Commissioner from time to time directs.

(2) The permit shall specify—

(*a*) the amount of duty and other charges, if any, paid;

(*b*) the quantity of salt to be removed;

(*c*) the salt-work, or Government warehouse or store from which and the person by whom the salt is to be removed;

(*d*) in the case of salt removed from a salt-work, the preventive station at which the salt is to be examined;

(*e*) the place to which and the route by which the salt is to be taken;

(*f*) the period for which the permit shall be in force; and shall be in such form and contain such other particulars, if any, as the Commissioner from time to time directs.

NOTE.—For forms of application, Permit and receipt, *vide* App. 105 and 106.

Order to subordinate salt-revenue-officer may be [illegible]

32. (1) If the Commissioner so directs there shall be attached to the permit an order to the salt-revenue-officer in subordinate charge of the salt-work or Government warehouse or store from which salt is to be removed, requiring [illegible] is removed from a private salt-work, by the licensee of the salt work, as to the correctness of the weighment and of the scales and weights used in weighing the salt.

(2) The said order and certificate shall be in such form and contain such particulars as the Commissioner from time to time prescribes.

Course to be followed by salt-revenue-officer in subordinate charge of salt work, etc. when permit is presented to him.

33. When a permit is presented to the salt-revenue-officer in subordinate charge of a salt-work, or of a Government warehouse or store, he shall—

(*a*) fill up the blanks therein, if any, intended to be filled up by him;

(*b*) permit the authorized amount of salt to be weighed out for removal;

(*c*) tear off and retain the order, if any, attached to the permit;

(*d*) fill in and take the signatures of the proper persons beneath, and himself attest the certificate to be endorsed on the said order, if any;

(*e*) return the permit to the person entitled to remove the salt and permit the salt to be removed.

Salt how to be dealt with after leaving a salt-work.

34. (1) Salt removed from a salt-work under a permit as aforesaid shall be taken, together with the permit covering it, direct to the Preventive station named in the permit, within the period prescribed in such permit.

(2) Subject to such orders as the Collector from time to time issues in this behalf, the salt-revenue-officer in charge of the preventive station may examine and re-weigh the salt under removal.

(3) If the said officer shall be satisfied that the quantity of salt under removal is not in excess of the quantity specified in the permit, he shall allow it to pass, and, after endorsing the permit to the effect that he has passed the same, shall return it to the person removing the salt.

(4) Thereafter the salt shall be conveyed to the place named in the permit within the period prescribed therein.

NOTE.—For rules for the conduct of work at Preventive Stations, *vide* App G.

Responsibilities of permit-holders.

35. It shall be incumbent on every person who has obtained a permit for the removal of salt, either personally or through an agent lawfully appointed for this purpose—

(*a*) to test the scales and weights used in weighing out such salt;

(*b*) to prevent the removal of salt in excess of the quantity named in the permit;

(*c*) if so required by the salt-revenue-officer in subordinate charge of the salt-work, or Government warehouse or store, from which the salt is removed to sign a certificate as to the correctness of the weighment and of the scales and weights used in weighing out the salt;

(*d*) to superintend the removal of the salt.

CHAPTER VI.

WAREHOUSING OF SALT FOR SALE.

Salt not to be stored for the purpose of sale within certain limits without a license.

36. No salt shall be stored or had in possession for the purpose of sale—

*(*a*) within one mile from the Matunga Salt-work in the Island of Bombay; or

* The original clause "(*a*) in Sind" repealed by Bom. I of 1910, second schedule, Part II, Serial No. 1, is omitted.

*(b) within ten miles from any salt-work, or from any customs-station established under section 4 of Act No. XXIX of 1857 (An Act to make better provision for the collection of land customs on certain foreign frontiers of the Presidency of Bombay) or from any port or place at which at the time being it is lawful to import salt by sea or to land the same, †such salt-work, customs-station, port or place being a salt-work, custom-station, port or place out of Sind (c); or

Cf. pages 80 to 84 of Part II.

†(c) within any other limits which shall from time to time be defined for this purpose by the Governor in Council by Notification in the *Bombay Government Gazette*; except under the authority and subject to the terms and conditions of a license to be granted by the Collector in this behalf.

NOTE.—For form of license, *vide* page 76.

Notified in virtue of section 6 of the Savantvadi Salt Act I of 1896, that no person shall store or have in possession salt for the purpose of sale within three miles of Shiroda Salt-works or Vengurla port without a license from a duly constituted authority in that behalf.

(Notification No. 311—26—1—1904 from the Political Agent, Savantvadi, *vide* Collector of S. R. No. 6384 of 26th September 1903.)

RULING.

Imperator vs. *Adrashappa bin Satwirappa.*

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(*Criminal Ruling dated 20th February 1879, West and Pinhey, JJ.*)

(A) By virtue of the authority vested in him by Section 35 of Bombay Act VII of 1873, His Excellency the Governor in Council is pleased to direct that on and after the 1st June 1876 next the provisions of that section and of the rest of Part IV of the Act shall be deemed to be, and be in force in every place situated in British Territory within the Taluka of Dhandhuka of the Ahmedabad District and within a distance of 10 miles from the Frontier of Kathiawar.

Cf. section 36 of Act II of 1890.

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* The original clauses "(b), (c) and (d)" were ordered to be re-named clauses "(a), (b) and (c)" by Bom. I of 1910, First Schedule, Part II, Serial No. 20.

† These words were inserted by Bom. I of 1910, First Schedule, Part II, Serial No. 20.

(*G. N. of 12th January 1876, page 34 of the* B. G. G., *Part I, G. R. No. 266 of the same date*)

(B) Government has directed that in cases in which persons are charged with possession of more than a maund of contraband salt, the prosecution should be careful to produce formal evidence that the place where the accused were arrested with the salt in their possession was within 10 miles of a customs station established under Section 4 of Act No. XXIX of 1857. *Reference should, if necessary, be* made to High Court Criminal Ruling dated 20th February 1879, which rules that the distance in such a case is to be measured in a straight line "as the crow flies" and not by the nearest mode of practical access.

(*R. D. Circular No. 1572—7th March 1902.*)

The above circular is the result of appeal in the case of Imperator *vs.* Rama *bin* Pun Gawda and 6 others who were charged with being in possession of more than one maund of salt contrary to the provisions of Section 38 (1) of Salt Act II of 1890 and were acquitted.

The Governor in Council may make rules to regulate the storage, etc., of salt for purpose of sale in the said limits

37. (1) The Governor in Council may, from time to time, make rules for regulating and licensing the storage or possession of salt for the purpose of sale within any of the limits aforesaid.

Licenses to store, etc., and sell salt may be issued by the Collector.

(2) Subject to the provisions of any rules so made, the Collector may from time to time grant licenses to such persons as he deems fit, authorising them to store or possess salt within any of the said limits, for the purpose of sale.

NOTE.—For Rules, *vide* page 74.

Possession of salt exceeding one maund in weight prohibited within the said limits except under a permit, etc.

38. (1) No person shall, within any of the limits described in section 36, transport or possess salt exceeding one maund in weight, unless the same—

(*a*) is being removed under a permit obtained under section 23; or

(*b*) is stored or possessed for the purpose of sale under a license granted under the last preceding section, or

(*c*) has been legally imported, from a foreign port or place, at some port or place within the said limits and is covered by a certificate signed by a customs-officer, of the payment of the import duty leviable thereon; or

(*d*) is covered by a special permit granted under the power next hereinafter conferred.

(2) The Collector or Deputy or Assistant Collector or any salt revenue-officer empowered in this behalf may grant to such persons, as they shall think fit, special permits authorizing them to be possessed of salt exceeding one maund in weight for their private consumption within or for conveyance out of any of the said limits.

NOTE.—For Forms of special permits *vide* App. 136.

Assistant Collectors of Salt Revenue have been empowered to act under clause 2 of this section.

(G. N. No. 6001, 5th November 1892.)

CHAPTER VII.

POWERS OF SALT REVENUE OFFICERS.

Power of salt-revenue officers to enter any place where illicit manufacture of salt is suspected to be going on;

39. Any salt-revenue-officer empowered in this behalf may—

(*a*) enter, at any time by day or by night, any land, building, enclosed place or premises upon or in or from which he has reason to believe that—

(i) salt is being manufactured, excavated, collected or removed without a license granted under this Act, or

(ii) there is a natural formation of salt, or

(iii) contraband salt is stored or concealed;

to overcome resistance;

(*b*) in case of resistance, break open any door and remove any other obstacle to his entry upon or into such land, building, enclosed place or premises;

to take possession of or destroy salt illicitly manufactured;

(*c*) take possession of, or destroy any salt so manufactured, excavated, collected or formed, and any work, [illegible]

formed contrary to any of the provisions of this Act or of any rule made hereunder ;

to enter & inspect salt-works and stores or vessels laden with salt ;

(*d*) enter and inspect, at any time by day or night, any salt work or any building, enclosed place, or premises used for storing salt, or any vessel laden with, or which is being laden with, or which it is intended to load with, salt ;

to detain & search any person, animal, etc., for contraband salt ;

(*e*) detain and search any person, animal, vessel, conveyance, goods or package upon or in whom or which he shall have reason to believe that there is contraband salt ;

to seize contraband salt, etc.;

(*f*) seize in any open place, or in transit, any article which he has reason to believe to be contraband salt and any package or covering in which such article is found and the other contents, if any, of such package or covering in which the same is found, and any animal, vessel or conveyance used or intended to be used in carrying the same ;

to detain, search & arrest any offender against this Act.

(*g*) detain and search and, if he think proper, arrest any person whom he has reason to believe to be guilty of any offence punishable under this or any other law for the time being in force relating to salt-revenue, or in whose possession contraband salt is found.

(*Vide* para. 38 of Part II for powers conferred on several officers.)

Searches & arrests how to be made.

Cf. para 189, Part II.

40. All searches and arrests under the last preceding section shall be carried out in accordance with the provisions of the Code of Criminal Procedure, 1882 (*a*) relating respectively to searches and arrests made under the Code.

(*a*) The reference to Act X of 1882 should now be read as applying to Act V of 1898.

Officers of certain departments bound

41. It shall be incumbent on every village-officer and on every officer of the departments of Police, Customs, Opium, Abkari, Forests and Revenue—

to give information concerning offences punishable under this Act ;

(*a*) to communicate to some salt-revenue-officer, not lower in rank than a Sarkarkun or a daroga, any information which he receives of a design to commit, or of the commission of any offence punishable under this Act ;

(b) to interpose for the purpose of preventing and to prevent to prevent, by the use of all [illegible] his power, the commission of [illegible],

(c) on receipt of notice, or of a request from any salt-revenue-officer, to assist such officer in carrying out any of the provisions of this Act. to assist salt-revenue officers

42. (1) Any Commissioner, or Collector, or other salt-revenue-officer empowered in this behalf, and any Magistrate, may issue a warrant for the search whether by day or by night, of any building, vessel or place in which he has reason to believe that contraband salt is kept or concealed. Issue of search warrants

(2) Every warrant issued under this section shall be executed in accordance with the provisions of the Code of Criminal Procedure, 1882,* relating to search-warrants, by a Police-officer or by a salt-revenue-officer empowered in this behalf, or if the officer issuing the warrant deems fit, by any other person.

* The reference to Act X of 1882 should now be read as applying to Act V of 1898.

(*Vide* para. 38 of Part II.)

43. (1) Any officer who makes a search under this Act, or who examines any salt or salt-earth for any of the purposes of this Act, or of any rule made under this Act, may require the person who has the immediate possession or control of any animal, vessel, conveyance, goods or package which he desires to search, or of any salt or salt-earth which he desires to examine, without delay and in such manner as he thinks fit to direct— Person in possession of articles which are to be searched or examined, bound to unpack & weigh the same.

(a) to unload, unpack or open any such animal, vessel, conveyance, goods or package; and

(b) to weigh any such salt or salt-earth; or

(c) before or after such search, examination or weighing is completed, to remove any such animal, conveyance, goods or packages beyond the limits of any wharf, landing-place or preventive station, or to deposit any such goods or package until further orders at any spot indicated by such officer within such limits.

(2) If the said person shall fail to comply with any such requirement the officer aforesaid may cause the animal, vessel, conveyance, goods or package to be unloaded, unpacked, opened, removed or deposited or the salt or salt-earth to

be weighed in the manner which he requires, and the cost of so doing shall be recoverable by the said officer from the said person.

Disposal of person arrested.

44. Every person arrested under section 39 shall be forwarded without delay to the nearest salt revenue-officer empowered to send persons so arrested to a Magistrate, or, if there be no such salt-revenue-officer within a reasonable distance, to the officer in charge of the nearest police station.

NOTE.—For particulars *vide* chapter IX of Part II.

In their Resolution No. 6401 of 11th September 1891, Government have approved of the Legal Remembrancer's interpretation of sections 44 and 45 of the Bombay Salt Act II of 1890 which is as follows:—

Under section 45 of the Salt Act, when an *officer in charge* of a Police station, "*receives direct any complaint or information* of the commission of an offence" under that Act, he is required "to enquire into and deal with the case under the provisions, of the Code of Criminal Procedure relating to cognizable cases", *i.e.*, the complaint or information, if given orally, must be reduced to writing under section 154 and if he has reason to suspect the commission of an offence under the Salt Act, he must report it to a Magistrate and proceed to investigate it under sections 156 and 157. In such cases therefore I think that any person arrested in the course of the Police investigation must be held to have been arrested by virtue of the general powers given to Police officers by section 54 (firstly) of the Criminal Procedure Code and in relation to cognizable cases and *not* under the special powers given to Police officers above the grade of Head Constable by *section 39 of the Salt Act, read with the Commissioner's* Notification No. 1048, dated 7th March 1891. The case of a person so arrested does not therefore fall under section 44, which only relates to the disposal of persons "arrested under section 39" and consequently the officer in charge of a Police station investigating the offence is not required to forward him to the nearest Salt Revenue Officer empowered to send persons so arrested to a Magistrate", but may under section 170 of the Criminal Procedure Code forward the accused direct to a Magistrate as in an ordinary cognizable case.

3. But in cases when an officer in charge of a Police station does not receive *direct* any *complaint or information* of the commission of an offence punishable under the Salt

Act, then, without a warrant from a Magistrate or except in the special case provided for by section 57 of the Criminal Procedure Code, he can only arrest a person suspected of having committed such an offence, if he is above the grade of Head constable and acts under the power conferred on him by section 39 of the Salt Act, and Commissioner's Notification No 1048, dated 7th March 1891. The person so arrested then becomes a person " arrested under section 39 " and must be dealt with under section 44, *i.e.*, the police officer making the arrest can in such a case only deal with it himself, if there be no salt-revenue-officer within a reasonable distance and he is the officer in charge of the nearest police station.

The question what is " a reasonable distance " is one of fact depending on the circumstances of each particular case, but I do not think there is any legal objection to Government laying down the number of miles which as a *General rule* be considered in Gujarat " a reasonable distance " for the purposes of section 44 of the Salt Act (Legal Remembrancer's No. 900 of 5th August 1901, Government Resolution, No. 6401 of 11th September 1901 in which Government considered it unnecessary to prescribe what is a reasonable distance).

Procedure to be followed by officer in charge of a police-station in cases of offences punishable under this Act.

45. The officer in charge of a police-station to whom any person is forwarded under the last preceding section, or who receives, direct, any complaint or information of the commission of an offence punishable under this Act, shall inquire into and deal with the case under the provisions of the Code of Criminal Procedure, 1882,* relating to cognizable cases.

Inquiry against arrested persons forwarded to them under section 44.

46. (1) When any person is forwarded under section 44

. . . . .

(2) For this purpose the said salt-revenue-officer may exercise the like powers and shall be subject to the same provisions as the officer in charge of a police-station may exercise and is subject to, under the Code of Criminal Procedure, 1882,* when investigating a cognizable case:

(3) Provided that—

(*a*) if the said salt-revenue-officer shall be of opinion that there is sufficient evidence or reasonable ground of

Cf. para. 190 of Part II.

* This reference to Act X of 1882 should now be read as applying to Act V of 1898.

suspicion against the accused person, he shall forward him to a Magistrate having power to take cognizance of the offence;

(b) if it appears to the said salt-revenue-officer that there is not sufficient evidence or reasonable ground as aforesaid, he shall release the accused on his executing a bond, with or without sureties as such salt-revenue-officer may direct, to appear, if and when so required, before a Magistrate having power as aforesaid, and make a full report of all the particulars of the case to his official superior and be guided by the order which he shall receive upon such report.

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CHAPTER VIII.

Penalties.

For illicit manufacture of salt, etc. 47. Whoever in contravention of this Act, or of any rule or order made under this Act, or of any license or permit obtained under this Act,—

(a) manufactures, removes or transports salt; or

(b) excavates, collects or removes natural salt, or salt-earth; and whoever

(c) except in the exercise of some power or the discharge of some duty conferred or imposed upon him under this Act or any other enactment at the time in force, receives, * or is in possession of * (a) or without lawful excuse, retains contraband salt, knowing or having reason to believe the same to be contraband salt; shall for every such offence be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to six months, or with both.

* These words were inserted by Bom. I of 1901, s 2.

Rulings.

Imperatrix vs. *Balu Miya* valad *Shekhbhai Thakur.*

Section 47 of the Bom. Act II of 1890. Held, reversing the conviction and sentence that a principal cannot be held liable for an illegal act done by an Agent on his own account, and that the language of section 3, clause

(*o*), of the Bombay Salt Act II of 1890 ought not to be interpreted so as to impose penalties under section 47 of the said Act on an innocent principal where there has been no knowledge or connivance in the act of his Agent. (Criminal Ruling 40 of 3rd September 1891—Jardine and Parsons JJ.)

Imperatrix vs. *Dabhai Kabhai.*

Accused had in his house salt water, and as he admitted that it was his intention to manufacture salt therefrom, he was convicted of an offence under section 47 (*a*) of the Bombay Salt Act, 1890, and sentenced to pay a fine of Rs. 5 or in default to suffer rigorous imprisonment for seven days.

Held, reversing the conviction and sentence and ordering the fine to be refunded, that the mere possession of salt water, with the intention of manufacturing salt therefrom, is not made an offence under the Bombay Salt Act, 1890.

(*Criminal Ruling No. 19 of 22nd June 1899—Parsons and Ranade JJ.*)

Imperator vs. *Lalla Vahala.*

The accused was charged with having in his possession contraband salt, which was found in a box which contained besides the salt some ornaments and other articles. A second class Magistrate convicted the accused under section 47 of Bombay Act II of 1890 and directed that all the articles found in the box together with the salt should be confiscated and transmitted to the Collector of Salt Revenue for disposal under section 52 of the Act. In appeal the District Magistrate upheld the conviction but directed that the ornaments found with the salt should be restored to the accused. Held that in directing the ornaments to be returned to the accused the District Magistrate had exercised jurisdiction which was not conferred on him by law, section 52 of the Act prescribed that all confiscations under that Act should be adjudicated by the Collector or by any other officer empowered in that behalf by the Governor in Council. The order of the District Magistrate directing the ornaments to be returned was therefore clearly *ultra vires* and void.

(*Criminal Ruling No. 11 of 25th June 1902, Crowe and Batty, JJ.*).

Imperator vs. *Maganlal Dholabhai.*

In order to justify a conviction under section 47, clause (*a*), of the Bombay Salt Act II of 1890 it is not necessary Under section 47, clause (*a*)

of the Bombay Salt Act II of 1890.

to prove dishonest intention on the part of the accused. The provisions of that section do not in express terms or by necessary implication make intention or knowledge an essential ingredient of the offence. What is prohibited by the Salt Act is the removal of salt in contravention of any license or permit and that shows that such removal is prohibited in itself and so knowledge on the part of the licensee is unnecessary.

(Chandavarkar and Aston JJ. Criminal Ruling 5 dated 28th January 1904)

For offences against this Act committed by public servants

48. Whoever, being a salt-revenue-officer or a village officer or an officer of any of the departments of Police, Customs, Opium. Abkari, Forests or Revenue,—

(a) does any act, or is guilty of any omission, in contravention of this Act, or of any rule or order made under this Act ; or,

(b) with intent to cause injury or annoyance to any person vexatiously and unnecessarily makes use of any power conferred upon him under this Act ; shall for every such offence be punished with fine which may extend to five hundred rupees.

Imperatrix vs. Dharamdas Bhagwandas.

Section 48 of the Bombay Salt Act II of 1890

Section 54 of the Bombay Salt Act (VII of 1873) is not an enactment under which by itself a charge can be laid. There must, in addition, be reference to some other provision of the Act or some rule in pursuance thereof according to the actual character of the offence imputed. Nor can a mere loose description of salt as contraband satisfy the requirement of the law as to what is contraband salt for the purposes of the penal section of the Salt Act.

The definition given in section 3 must in each case be satisfied by evidence of facts giving to the salt the character there indicated. (Criminal Ruling No. 40 of 1st July 1886, West and Nanabhai Haridas JJ.)

For preparing or using incorrect application for a permit or an incorrect certificate under section 32.

49 Whoever prepares, or signs, or uses, or attempts to use, an incorrect application for a permit to remove salt [illegible]

offence, be punished with fine which may extend to two hundred rupees, and, in default of payment of the fine, with simple imprisonment for a term which may extend to one month.

50. All contraband salt, and every vessel, animal or conveyance used, or intended to be used in carrying contraband salt, and all goods, packages and coverings in or among which contraband salt is found, and every apparatus, implement, utensil or material employed, or intended to be employed, for the manufacture, excavation, collection or removal of salt without a license or for the purpose of utilizing natural salt or salt-earth contrary to any of the provisions of this Act or of any rule made hereunder, shall be liable to confiscation. What things are liable to confiscation.

In paragraph 9 of his report on the case of Imperatrix *vs.* Maneklal Mangal and others the Legal Remembrancer has observed that the power now conferred on a Magistrate under section 517 of the existing Criminal Procedure Code is much wider. He may make such order as he thinks fit for the disposal of any property produced before him, whether it has been used for the commission of an offence or not; and the discretion so granted is not an arbitrary one, but must be exercised in favour of the person entitled to possession of the property. Accepting this view Government are of opinion that if he holds salt produced before him to be contraband the appropriate procedure for him is to hand over it and such [illegible] also be produced [illegible] disposal. The [illegible] confiscation and [illegible] therefore entitled to possession of it. There is no necessary conflict between section 517 of the Criminal Procedure Code and sections 50 [illegible]

NOTE.—(See Criminal Ruling 11 of 25th June 1902 under section 47.)

CHAPTER IX.

PROCEDURE.

51. All offences punishable under this Act shall be cognizable by any Magistrate. Cognizance of offences.

52. (1) All confiscations under this Act shall be adjudged by the Collector or by any officer empowered by the Governor in Council in this behalf: Orders of confiscation by whom to be made

Proviso. (2) Provided that no order of confiscation shall be made without hearing any person who within one month from the date of its seizure claims a right to anything intended to be confiscated and the evidence, if any, which he produces in support of his claim:

Power to regulate disposal of things seized. (3) Provided also that it shall be lawful for the Governor in Council to make from time to time rules consistent with this Act to regulate the disposal and destruction of things seized under this Act.

Such rules may, among other matters, provide—

(*a*) that any officer of a class which shall be designated in such rules may, at any time after a seizure under this Act has been made of any goods which [illegible] to him to [illegible] such good[illegible] otherwise disposed of;

(*b*) that the owner or person in charge of any animal seized under this Act shall provide from day to day for its keep, while detained, and that, if he omits to do so such animal may, if any officer such as is referred to in clause (*a*) so direct, be sold by public auction and the expenses, if any, incurred on account of it defrayed from the proceeds of such sale;

(*c*) that the surplus proceeds of a sale under clause (*a*) or clause (*b*) of this section shall, unless the owner of the thing seized establishes his claim to such proceeds within a period not less than three months, to be fixed by such rules, be forfeited to Her Majesty.

Redemption of thing confiscated to be permitted on payment of fine. (4) Whenever confiscation is ordered under this Act, the owner of the thing confiscated shall be given an option of redeeming it, on payment of such fine as the Collector or other officer aforesaid thinks fit.

Note.—For rules under this section *vide* G. N. No. 4501, dated 17th April 1918, printed on p. 75 of this Part.

Notifications.

Bombay Castle, 10th October 1913.

No. 9238.—In exercise of the powers conferred by section 52, sub-section (1), of the Bombay Salt Act, 1890 (Bom. II of 1890), the Governor in Council is pleased to empower all Assistant Collectors of Salt Revenue in charge of Ranges to adjudge all confiscations under the said Act when the quantity of contraband salt seized in

any case does not exceed one maund or when the value of any articles, other than contraband salt, under adjudgment does not exceed Rs 50.

No. 9238.—In partial modification of the rules published in Government Notification No. 1658, dated 1st April 1878, the Governor in Council is pleased to authorise all Assistant Collectors of Salt Revenue in charge of Ranges to grant rewards in cases of salt smuggling upto Rs. 10 in each case.

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53. (1) Any salt-revenue-officer not lower in rank than a Sarkarkun or a daroga shall have power to summon any person whose attendance he considers necessary either to give evidence or to produce a document or any other thing in any inquiry which such officer is making for any of the purposes of this Act A summons to produce documents or other things may be for the production of certain specified documents or things or for the production of all documents or things of a certain description in the possession or under the control of the person summoned. Power to summon persons to give evidence & produce documents in inquiries under this Act.

(2) All persons so summoned shall be bound to attend, either in person or by an authorized agent, as such officer may direct provided that exemptions under sections 640 (*a*)* and 641 (*a*)* of the Code of Civil Procedure shall be applicable to requisitions for attendance under this section;

and all persons so summoned shall be bound to state the truth upon any subject respecting which they are examined or make statements; and to produce such documents and other things as may be required

(3) Every such inquiry as aforesaid shall be deemed to be a "judicial proceedings" within the meaning of section 193 and section 228 of the Indian Penal Code. XLV of 1860.

* (*a*) These references to Act XIV of 1882 should now be read as applying to Act V of 1908, sections 132 and 133.

NOTE.—For form of summons *vide* App. 131-132.

54. Every summons shall be in writing, in duplicate, and shall state the purpose for which it is issued, and shall be signed by the officer issuing it, and shall also bear his official seal, if he have any; and shall be served by tendering a copy of it to the person summoned, or, if he cannot be found, by affixing a copy of it to some conspicuous part of his usual residence. Summons to be in writing, signed & sealed. How to be served.

Service of notices.

55. (1) Every notice under this Act shall be deemed to be served on the date on which a copy thereof is tendered or delivered to the person on whom it is to be served, or to his Agent, if he have any; or, when the notice has not been so served, the date which shall appear to the officer holding the inquiry to be the date on which the person on whom the same is to be served has become aware of the issue and purport thereof.

Notice not void for error.

(2) No such notice shall be deemed void on account of any error in the name or designation of any person referred to therein, unless when such error has produced a material misconception of the intended intimation.

Recovery of costs.

56. Whenever it is provided in this Act that the costs of doing anything shall be recoverable from any person by a salt-revenue-officer, the said officer may recover the same by detention of any property of the person liable therefor and by sale of such property; and the said costs shall also be recoverable, if necessary, by a revenue-officer in any manner in which, under the law at the time in force, an arrear of land revenue may be recovered.

Appeals.

57. (1) Every order passed by any salt-revenue-officer other than a Commissioner or a Collector shall be appealable to such officer's immediate superior at any time within sixty days from the date of such order.

(2) Every order passed by a Collector shall be appealable within ninety days from the date of such order to the Commissioner, if any, to whom the Collector is subordinate, and, if there be no such Commissioner, to Government.

(3) Every order passed by a Commissioner shall be appealable within ninety days from the date of such order to Government: provided that no such appeal shall lie from any order passed by a Commissioner on appeal.

(4) Subject to the foregoing provisions the rules for the time being in force relating to appeals in the Revenue Department shall apply to appeals under this Act.

CHAPTER X.

MISCELLANEOUS.

Further matters for which the Governor in

58.* In addition to the rules which the Governor in Council is hereinbefore empowered to make, he may from

* (a) The figure "(1)" repealed by Bom. IV of 1905, second Schedule, is omitted.

time to time make rules, consistent with this Act, to regulate the following matters, namely :— Council may make rules.

(a) the manufacture, deposit and storage of salt at any salt-work ;

(b) the deposit and storage of salt in any building, enclosed place or premises used for the deposit or storage of salt on which duty has not been paid ;

(c) the removal of salt from any such building, enclosed place or premises as last aforesaid or from any salt-work,

(d) the routes by which salt shall be taken from any such building, enclosed place or premises as aforesaid or from any salt-work to any preventive station ;

(e) the routes by which manufacturer of salt and other persons shall approach, enter or leave any salt-work and the hours during which any person may remain within the limits of any salt-work or in any such building, enclosed place or premises as aforesaid ;

(f) the conservancy of any salt-work and of any such building, enclosed place or premises as aforesaid ;

(g) the granting and the refusal of permission to construct within a salt work or in the immediate vicinity thereof places of residence for manufacturers of salt and other work-people employed therein ; and the terms as to the situation and construction of any such places as may by permitted ;

*(h) the attendance and the enforcement of the contract or agreement of any person who has contracted or agreed to manufacture, excavate or collect salt at any salt-work under the immediate management and control of Government ;

(i) the licensing and control of hamals and labourers for hire by whomsoever employed at salt-works and at preventive stations ;

(j) the grant of amended or duplicate copies of documents relating to proceedings under this Act, and the fees to be charged for such copies.

Vide G. N. No. 4501 of 7th April 1918 printed on pages 71—77.

59. In making a rule under this Act, the Governor in Council may direct that a breach of it shall be punishable with fine which may extend to two hundred rupees, and, in Penalties may be attached by the

Governor in Council to breach of rules. default of payment of the fine, with simple imprisonment for a term which may extend to one month.

Publication of rules. 60. All rules made under this Act shall be published in the *Bombay Government Gazette*, and in Sind in the *Sind Official Gazette*, and shall thereupon have the force of law.

No person to be liable to penalty or damages for act done in good faith in pursuance of duty. 61. (1) No person shall be liable to any penalty or to payment of damages on account of any act done or order made in good faith, in pursuance or intended pursuance of any duty imposed or any authority conferred on him by this Act, or by any rule, order or direction made or appearing to have been made under the provisions thereof by a person having or appearing to have authority in that behalf.

No suit or prosecution in respect of an act done under colour of duty as aforesaid shall be entertained, or shall be dismissed, if not instituted within six months. (2) In the case of an alleged offence or wrong on the part of any person by any act done under colour or in excess of any such duty or authority as aforesaid, or wherein it shall appear to the Court that the offence if committed or the wrong if done was of the character aforesaid, the prosecution or suit shall not be entertained, or shall be dismissed if instituted, more than six months after the act complained of.

In suits as aforesaid one month's notice to be given and sufficient description of wrong complained of. (3) In the case of an intended suit on account of such a wrong as aforesaid, the person intending to sue shall be bound to give to the alleged wrong-doer one month's notice at least of the intended suit, with a sufficient description of the wrong complained of, failing which such suit shall be dismissed.

Plaint to set forth service of notice & tender of amends. (4) The plaint shall set forth that a notice as aforesaid has been served on the defendant and the date of such service, and shall state whether any, and if any what, tender of amends has been made by the defendant. A copy of the said notice shall be annexed to the plaint endorsed or accompanied with a declaration by the plaintiff of the time and manner of service thereof.

NOTIFICATIONS.

Revenue Department.

Bombay Castle, 17th April 1918.

No. 4501.—In exercise of the powers conferred by section 58 of the Bombay Salt Act, 1890 (Bom. II of 1890), and in supersession of the rules published in Government Notification in the Revenue Department, No. 7890, dated the 26th October 1893, the Governor in Council is pleased to make the following rules:—

Preliminary.

1. These rules may be cited as the Bombay Salt Rules, 1918. Short title.

Deposit and Storage of Salt at Salt-Works.

2. No person shall allow any salt which is under his control to lie unheaped for more than 10 days or for a period longer than that allowed under any general or special order communicated to him as made by the Collector of Salt Revenue in this behalf. Period for which salt allowed to lie by salt pans.

3. Except before first storage in heaps at a salt-work or after removal to a distance of at least one mile beyond a preventive station, no person shall sift or spread out any salt to dry except with the special sanction of the Commissioner. Sifting and spreading out to dry prohibited except in certain cases.

4. Before first storage no person shall sift salt or spread it out to dry except in places appointed by the Sarkarkun for that purpose. And in places appointed by the Sarkarkun.

5. The licensee shall be bound to store the salt produced in or during each manufacturing season separately from the salt produced in or during every other manufacturing season, unless specially permitted by the Sarkarkun to do otherwise. Separate storage for the salt of each season.

6. No person shall construct or cause or allow to be constructed any storage platform or salt heap in any shape or of any size or in any situation other than such as may be in accordance with the general or special orders of the Collector of Salt Revenue for the time being in force and applicable in that behalf. Storage platforms.

No second salt heap to be opened till heap previously opened is exhausted.

7. When a heap of salt has been broken open to satisfy *a permit the licensee shall not, except with the written permission* of the Sarkarkun, allow any other heap in the same salt work to be resorted to for the same permit until the heap first opened has been disposed of and cleared away.

Limit to opening of salt heaps.

8. No person shall open or cause or allow to be opened any salt heap which he has been directed by the Sarkarkun not to open. The licensee shall close in such manner as the Sarkarkun may direct any salt heap which has been opened.

Salt not to be added to, or removed from, an incomplete heap in certain cases.

9. No person shall add to or remove from, or cause or allow additions or removals to be made to, or from, any salt in a heap that has been partly made and not completed, if loss by smuggling, rain, flood, or any exceptional accident has occurred thereto, or if the Sazedar, on the ground of such loss having occurred, prohibits such addition or removal unless and until such heap has been inspected by the Sarkarkun or some officer deputed by him.

Salt not to be added to a complete heap

10. No person shall at any time add any salt to, or cause or allow any salt to be added to, a heap after it has been once made and completed.

Deposit of Salt.

Salt not to be deposited or allowed to remain near kothars without permission.

11. No person shall deposit or cause or allow to be deposited at any salt-work in the Kánara District any salt within 200 yards of any kothár or building used or intended to be used for the storage of salt on which excise duty has not been paid excepting on ground allotted for the purpose by the Sarkarkun; and any person depositing salt on any such ground shall be bound to at once remove it if so ordered by the Sarkarkun.

Removal of Salt.

Rates of duty and other charges payable before removal of salt

12. (1) The duty and other charges which are, by section 29 of the Bombay Salt Act, 1890, required to be paid before a permit is granted for the removal of salt, are payable at the rates in force at the time when the duty and charges are paid to an officer authorized to receive them under section 30 of the said Act:

provided that—

(a) if the rate of duty or other charge is increased after such payment and before the salt is removed from

the salt stores, the salt shall not be removed until the additional duty or charge has been paid and a renewed permit been obtained;

(b) if the rate of duty or other charge is reduced, any excess paid will be refunded.

(2) The charges other than duty payable to Government under section 29 of the Bombay Salt Act, 1890, include

(a) at the Pritchard and Dharasna Salt Works, cost price at the rate fixed by the Governor of Bombay in Council under section 8 of the Indian Salt Act, 1882;

(b) at the Pritchard Salt Works, sewing and bagging charges at the rate fixed by the Commissioner of Customs, Salt and Excise, Bombay; and

(c) at the Dharasna Salt Works and all private Salt Works except those at Sanikatta, ground rent or maundage at the rate sanctioned by Government.

13. Except as is hereinafter in this rule otherwise provided, no one shall ... than in bags legibly ... and with the initials ... person on whose acc... that this rule shall not apply to removals of salt from Government salt-works at Khárághoda to the stores or from the works at Sanikatta to the kothárs, or to salt removed under the special orders of the Collector or by Wanjaris. Salt to be ...

14. Every Salt Revenue Officer shall, in issuing salt, give priority to all applications or indents made by or on behalf of Government or by any local authority as defined in the Local Authorities Loans Act, 1914, or by any Government Salt Agents. Priority to be given to the indents of Government and of local authorities.

Conservancy of Salt-Works.

15. No person shall commit a nuisance within the limits of any salt-work. Nuisances prohibited.

Entering and leaving works.

16. The Assistant Collectors of Sub-divisions shall prescribe the routes by which persons employed in the manufacture of salt may enter or leave the salt-works and no such person shall use a route not so authorized or remain in the works between sunset and sunrise without the permission Entering and leaving works.

of an officer of the Salt Department not below the rank of Sarkarkun.

Prohibition of entry.

Prohibition of entry. 17. A person who has been proved to have been guilty of a breach of the provisions of the Bomby Salt Act, 1890, or of any rule thereunder may be prohibited from entering or working in or at a salt-work or a preventive station by an order in writing issued by an officer of the Salt Department not inferior in rank to an Assistant Collector.

Construction of residences.

Construction of residences. 18. No place of residence, whether temporary or permanent, shall be constructed within the limits of a salt-work for housing manufacturers of salt or work people except with the permission of the Collector of Salt Revenue.

Warehousing of Salt for Sale.

Forms of licenses. 19. Licenses, granted by the Collector under section 37 of the Act for the storage or possession of salt for sale within any of the limits mentioned in section 36 of the Act, shall be either for the wholesale or for the retail sale of salt and shall be in the form annexed to these rules and contain the conditions specified in the said form. The said conditions shall be deemed to be and shall have the same force as rules framed by the Governor in Council under section 37 (1) of the Act.

Licenses when to be taken out and when to expire. 20. Every license shall be taken out not later than the 1st of January in each year and shall be in force until the 31st December next following and no longer.

Renewal may be refused. 21. The Collector may cancel or refuse to renew a license without assigning any reasons therefor.

Separate license for each shop or warehouse. 22. If a licensee desires to open, for purposes of sale, more than one shop or warehouse, he must obtain a separate license for each such shop or warehouse.

Certain conditions to which such licenses shall be subject. 23. Every such license shall be liable to suspension or revocation, at any time, on breach, by the licensee or any of his servants, of any of the conditions thereof or of any provisions of the Act.

Disposal and destruction of things seized.

24. Confiscated salt-earth shall be destroyed. Destruction of confiscated salt-earth

25. At any time after the seizure of goods under the Act, it shall be lawful for an officer not lower in rank than a Sarkarkun to direct that any such goods which appear to him to be subject to natural and speedy decay, shall be sold by public auction at once or, if unsaleable, that they shall be destroyed. Disposal of perishable goods confiscated.

26. Any officer of a class not lower in rank than Sarkarkun or Inspector may give the directions specified in section 52 (3) (*b*) in any case in which such directions may be given under the provisions thereof. Keep of animal seized.

27. The surplus proceeds of all sales under rules 25 and 26 shall, unless the owner of the property sold establishes his claim to them within three months of the sale, be forfeited to His Majesty. Surplus proceeds of sales how to be disposed of.

Attendance of licensee and others.

28. The licensee of a salt-work under the immediate management and control of Government* or the lessee on his behalf who has agreed to manufacture, excavate or collect salt at any such salt-work shall be bound to present himself in person or by a duly authorized agent before the Sarkarkun or a higher Salt Revenue Officer whenever called upon to do so by a written notice to that effect within a week from the date of receipt of the said notice. Attendance of licensee and others.

Fees.

29. Amendments of documents relating to removal of salt shall be made on payment of a fee of Re. 1 in respect of each document. Duplicate copies of salt documents shall be granted on payment of such fees as may be chargeable under the rules in force † under section 213 of the Bombay Land Revenue Code 1879. † Fees.

Penalties.

30. Whoever commits a breach of any of the rules 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 16, 17, 18 and 28 or of any condition For a breach of rules 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 16, 17, 18.

* Inserted as per Government Notification No. 1773 of 14th June 1920.

† Added as per G. N. No. 10086 of 1st October 1919, published on p. 2342 of *Bombay Government Gazette*, Part I, of 1919.

and 28 or any condition of a license granted under rule 19. of a license granted in accordance with rule 19 shall be punished with fine which may extend to rupees fifty, and in default of payment of fine, with simple imprisonment for a term which may extend to one month.

For a breach of rule 15. 31. Whoever commits a breach of rule 15 shall be punished with fine which may extend to rupees twenty, and in default of payment of the fine, with simple imprisonment for a term which may extend to ten days.

FORM OF LICENSE FOR THE STORAGE AND POSSESSION OF SALT (*vide* RULE 19).

I, , Collector of Salt Revenue, do hereby authorize and empower now dwelling at , in the taluka of , in the district of , to store or have in his possession salt for the purpose of sale in the below-mentioned building (or enclosure or premises as the case may be) situated in the village of , in the taluka of , in the district of , *viz.*, in the building (enclosure or premises as the case may be) known as and situated on the side of street and numbered No. by the Municipality of provided that he conform to the following conditions, *viz.* :—

(1) That he keep and have ready for inspection at any time by any officer of the Salt Department, requiring to see the same, a detailed daily account showing truly the quantities of salt received by him, the name of the persons from whom and of the salt-works at which such salt has been obtained, the No. and date of the permit covering the same and the names of the ports, if any, at which such salt is landed, as well as the names of the persons to whom he may sell salt and the quantity delivered to each.

(2) That he furnish on the first of every month to the Sarkarkun at an abstract account in such form as may from time to time be required of him, showing the gross quantities of salt received and sold by him during the previous month and the balance in store at the end of the same.

(3) That he shall not sell more than 40 seers of 80 tolas each of salt to one and the same person, except on the production by such person of a special permit under section 38 (2) of the Bombay Salt Act, II of 1890, to retain more than

that amount for his private consumption or to transport more than that amount to some place beyond the limits mentioned in section 36 of Bombay Act, II of 1890, or to some other licensed shop or warehouse within those limits, duly signed by myself, or my successor in office for the time being, or by one of my assistants.

(4) That he shall not transfer this license to any other person, nor permit salt to be sold under colour thereof by any other than himself or his servants duly approved for such purpose by the Sarkarkun at , a list of whose names he shall from time to time, as required, furnish to the said Sarkarkun.

(For retail licenses only.)

(5) That he shall at no time keep in store more than 50 Indian maunds of salt or such other quantity as I or my successor in office may by special order prescribe.

(For wholesale licenses only.)

That he shall store all the salt in his possession in bags, each containing not less than one or more than three maunds.

(6) This license shall be in force from the day of 191 until the day of 191 and no longer, but shall be liable to be suspended or revoked at any time by myself or one of my Assistants in the event of the infringement by the said , or by any of his servants, of any conditions thereof or of any of the provisions of the Bombay Salt Act, 1890.

Given under my hand and seal at
on the day of 191 .

Collector of Salt Revenue.

By order of His Excellency the Right Honourable the Governor in Council,

J. L. RIEU,
Secretary to Government.

By the Commissioner of Customs, Salt and Excise.

Khárághoda Rules.

No. 416.—In exercise of the powers conferred on him by sections 30, 31 and 32 of the Bombay Salt Act (II of 1890) and Rules 12 (*2*) (*b*) and 29 of the Bombay Salt Rules, 1918, and in supersession of the rules published under Commissioner of Customs, Salt, Opium and Abkari's No. 7568, dated 31st October 1911, at pages 2037 @ 2040 of the *Bombay Government Gazette*, Part I, of 1911, the Commissioner of Customs, Salt and Excise is pleased to make the following rules for the guidance of the public in the removal of Baragra Salt from the Pritchard Salt Works at Khárághoda in the Runn of Cutch in the Ahmedabad District:—

In these rules "Commissioner" means the Commissioner of Customs, Salt and Excise, Bombay; "Superintendent" means the Superintendent, Main Salt Stores, Khárághoda (district Ahmedabad); "Chief Account Officer" means the Chief Account Officer of Customs, Salt and Opium, Bombay; and "Accountant General" means the Accountant General, Bombay.

Officers authorised to receive Payments.

1. The following officers are authorised to receive payments:—
   - *A. Salt Treasuries, Bombay Presidency—*
     - (1) Superintendent.
     - (2) Chief Account Officer.
     - (3) Sarkarkun, Broach.
   - *B. Other Treasuries—*
     - (1) Officers in charge of Treasuries and Sub-Treasuries in the United Provinces of Agra and Oudh, Central Provinces, Central India and Rájputána
     - (2) The Treasury Officer, Ahmedabad.
   - *C. Indian Midland Railway Stations—*
     - (1) Station Masters of certain Railway Stations on the Indian Midland Railway as shown in the attached schedule.

Forms of Indent and Receipt.

2. If payment is made at one of the Salt Treasuries authorised under Rule 1-A, the applicant should fill up an indent in Form A, which will be supplied to him gratis and need not be stamped. Except in the case of removals by road (Rahadári) the indent must be presented in duplicate. The officer receiving payment will sign the form and, unless the payment is made at the Main Salt Stores, will forward the original indent to the Superintendent for compliance. The duplicate, if any, will be returned to the applicant as a receipt for the amount paid.

3. If the payment is made at one of the treasuries authorised under Rule 1-B, the applicant should fill up an indent in Form B, and present it to the Treasury Officer or Sub-Treasury Officer. The form will be supplied gratis at the Treasuries. The Treasury Officer shall give to the trader any help that may be required in preparing the indent, and, if necessary, cause the entries to be written for him by one of his clerks, but no fee or other gratification whatsoever shall be demanded or accepted, either directly or indirectly, for this service.

4. If the indent is in order, the Treasury Officer will require the trader to pay into the Treasury the amount entered therein and will give him a receipt in Form C. He will then send the indent to the Superintendent for compliance.

5. The Station Masters authorised to receive payment under Rule 1-C will fill up an indent in Form D for an applicant and grant him a printed receipt in Form E. The indent and receipt, together with a printed envelope, addressed to the Superintendent, will be handed to the applicant, who will attach the receipt to the indent, and send them in the envelope by registered post. A duplicate of the receipt will be sent by the Station Master to the Chief Auditor of the Railway who will countersign and transmit it to the Superintendent.

General Provisions regarding Indents.

6. Indents must be for multiples of 3 maunds.

7. One wagon carries 450 maunds to stations on the broad Gauge and 270 maunds to stations on the metre Gauge and as the Railway Company charge the freight of a full wagon it is recommended that applications should be made for one or more full wagon loads.

Sewing and Bagging Charges.

8. The rates of Sewing and Bagging charges are fixed by the Commissioner from time to time.

Note.—The present rates are :—

	Per maund. Rs. a. p.
Sewing	0 0 3
Bagging	0 3 4

9. Sewing charges are compulsory except in the case of payments made at the Main Salt Stores and the Ahmedabad Treasury, where the payment of sewing charges is optional, provided that the merchants supply their own bags and make their own arrangements for filling, weighing and sewing them.

10. Indenters may provide their own bags and if they so desire the bags will be supplied on prepayment of the bagging charges (rule 8). The bags, if provided privately, must be of uniform size to hold 3 Indian maunds of salt. They must be legibly and accurately marked and consigned freight paid to the Government Salt Agents, Khárághoda, and must be sufficiently strong. The railway receipt for the bags should be sent to the Government Salt Agents separately by post.

Payment of Additional Charges.

11. Any amount that may become due under Rule 12 (*1*), proviso (*a*), of the Bombay Salt Rules, 1918, on account of increase of duty or other charges shall be paid at the Treasury or Railway Station where the amount shown in the indent was originally paid or at the Main Salt Stores. The payer shall thereupon be given a fresh receipt for the extra charges in the usual form, bearing the serial number of the original indent. The Superintendent shall then be advised of the payment under the procedure applying to original indents.

Permits and Weigh-notes.

12. On the day of issue of the Salt the Superintendent shall sign the permit in Form F. Permits for removals by road (Rahadári) should show the period for which they will be in force.

13. Two or more permits should not be granted to the same person on the same day and for the same quantity of salt. If two or more permits are given on the same day, the quantity of salt must differ in each permit. This rule does not apply to advances made to the Government Salt Agents.

14. The Superintendent will at the same time issue weigh notes in Form G to the weighing clerks appointed to make delivery.

15. Duplicates of lost permits may be issued on an application bearing a Court-fee stamp of 8 annas and on payment of copying fee.

Despatch of Salt.

16. The Superintendent will despatch the salt freight unpaid, to the consignee shown in the indent and will send him the railway receipt by post, to the address stated in the indent. The despatch of the railway receipt shall be a sufficient release to Government for the quantity of salt consigned.

Schedule.

List of stations on the Indian Midland Railway authorised to receive money on behalf of the Bombay Salt Department—

Jhansi-Agra Section—
- Dholpur
- Morar Road.
- Datia.

Bijoli-Sukhi-Siwania Section—
- Babina.
- Talbhat.
- Bina
- Bamora.
- Salamatpur.
- Basoda.
- Bhilsa.

Bhopal-Itarsi Section—
- Dip.
- Hirania.
- Bhopal.

Cawnpore-Jhansi Section—
- Malasa.
- Pakhrayan.
- Ait.
- Punch.
- Chirgaon.

Jhansi-Manikpur Section—
- Attra.
- Bela Tal.
- Harpalpur.

Saugor Branch—
- Jeruwa Khera.

Bhopal-Ujjain Section—
- Shujaulpur.
- Bercha.

Bina-Guna Section—
- Pachar.
- Guna.

Guna-Baran Section—
- Rothiai.
- Chabra.
- Salpura.
- Atru.
- Baran.

Gwalior Light Railway—
- Sipri.
- Salaia.

E. L. SALE,

Acting Commissioner of Customs, Salt and Excise.

Camp Poona, 3rd September 1910.

c 11—11

The following rules are laid down in connection with the payment of duty on refined salt manufactured by the Pioneer Magnesia Works, at Kharaghoda :—

1. The General Manager of the Pioneer Magnesia Works will forward to the Chief Account Officer of Customs, Salt and Opium, Bombay, cheques for the amount of duty on refined salt duly endorsed in favour of the Chief Account Officer for encashment in the Imperial Bank of India, Bombay.

2. The amount of the cheque will on acceptance by the Bank be credited in the Chief Account Office to the head of "Excise duty on refined Salt" under III—Salt and a Delivery Order issued for the quantity of refined salt in triplicate. The original will be despatched to the General Manager, Pioneer Magnesia Works, the duplicate to the Manager, Main Salt Stores, Kharaghoda, and the counterfoil retained in the Chief Account Office.

3. The General Manager, Pioneer Magnesia Works, will produce the original part of the Delivery Order forwarded to him by the Chief Account Officer before the Manager, Main Salt Stores, Kharaghoda, along with an application in writing for the quantity of refined salt he wishes to remove.

4. The Manager, Main Salt Stores, Kharaghoda, will compare the original with the duplicate copy received by him from the Chief Account Officer and will see that the quantity of refined salt offered for removal is covered by the amount of duty paid by the General Manager at the sanctioned rate. He will then note on the reverse of both the copies of the Delivery Order (1) the date, (2) the quantity of refined salt removed on each occasion, (3) the amount of duty thereon and (4) the balance available.

5. The Manager, Main Salt Stores, Kharaghoda, will after the quantity covered by the Delivery Order has been fully delivered to the General Manager, Pioneer Magnesia Works, forward one copy of the Delivery Order for record in the Chief Account Office, retaining the other with him.

(Sd.) W. C. SHEPHERD,
Commissioner of Salt and Excise,
Bombay.

III

By the Commissioner of Customs, Salt and Excise.

Instructions for the guidance of Treasury Officers authorised to receive payment for the removal of Baragra Salt from the Pritchard Salt Works at Kharaghoda.

In these rules "Chief Account Officer" means the Chief Account Officer of Customs, Salt and Opium, Bombay, "Superintendent" means the Superintendent, Main Salt Stores, Kharaghoda (District Ahmedabad).

1. The Treasury Officers must be careful to have in stock a sufficient supply of forms of indent (to be obtained from the Chief Account Officer) which they should issue freely to the public on application. The Government Salt Agents making such payments at the Ahmedabad Treasury may make them by Cheques on the Ahmedabad Branch of the Bank of Bombay in favour of the Superintendent.

2 The duty, cost price, etc., should be received from the merchants in accordance with Rule 12 of the Bombay Salt Rules, published under Government Notification No. 4501, dated 17th April 1918. All Treasury Officers are requested to explain the provisions of the rule clearly to the merchants.

3. If the charges are paid into a Sub-Treasury, the amount of each indent should be entered in a separate register (Form I), and the total amount received during the day should be credited to the account under the head "Bombay Salt Department" (*vide* article 425A of the Civil Account Code, Volume I). The Sub-Treasury Officer should submit to the Huzur Treasury Officer with his daily account, all the indents received during the day and an extract from the Sub-Register.

4. On receipt of the daily account, indents and extracts from the Sub-Treasuries the Huzur Treasury Officer should carefully examine them and if correct, enter them in the sub-register of indents and payments received into the Huzur Treasury, and at the end of the day should forward to the Superintendent all the indents received at the Huzur and Sub-Treasuries, with an extract from the sub-register. The monthly statement in Form 59A referred to in article 425A of the Civil Account Code, Volume I, should be forwarded to the Chief Account Officer.

5. The Superintendent should carefully examine each indent received from the Treasury Officer and satisfy himself

that the amount entered therein is correct. If he finds that the amount paid into the Treasury is less than what is due at the rates in force on the date on which salt is actually delivered to the trader, he should at once communicate by post the fact to the trader with a view to the recovery of the short payment before the indent is complied with. In this communication the Superintendent should give all particulars necessary to identify the indent.

6. If the Chief Account Officer, on examination of the accounts, finds that any excess payment has been recovered from any trader at any Treasury, he should report the fact to the Accountant General, Bombay, giving particulars as to (*a*) the name and residence of the trader, (*b*) the name of the Treasury at which the payment was made, (*c*) the number and date of the indent, and (*d*) the amount of excess recovery, in order that the Accountant General may arrange for the refund of the amount through the Treasury Officer concerned.

7. The Accountant General has agreed to furnish the Chief Account Officer with a consolidated statement prepared from the monthly schedules received from the Treasury Officer, Ahmedabad, and from other Accountants General showing all the amounts brought to credit on his books on account of Kharaghoda salt.

8. The Government Salt Agents should prepare a separate monthly bill of their charges for sewing and bagging and submit it to the Superintendent, who should examine it with his registers, and if found correct, submit it to the Chief Account Officer for sanction and payment.

9. If the trader has supplied his own bags, and the Superintendent finds that they are insufficient to hold the quantity of salt indented for, or that all or any of them are not strong enough, he should at once communicate the fact in writing to the trader at the address in the indent with an intimation that the issue will be delayed pending receipt of the bags.

10. All indents received from Treasury Officers under these rules should be entered in a separate register in the appended Form II.

11. The Superintendent should forward to the Chief Account Officer every month a consolidated account of the indents received from each Treasury showing in detail the amount of duty, cost price and Bagging and Sewing charges paid at each of the Treasuries during the month.

12. The Chief Account Officer should carefully compare the monthly statement received from the Superintendent with the monthly statements received from the Treasury Officers under Rule 4, and with the consolidated statement received from the Accountant General in accordance with Rule 7 and should institute immediate inquiries regarding any error or discrepancy.

E. L. SALE,
Acting Commissioner of Customs, Salt and Excise.

Camp Poona, 3rd September 1919.

IV

BY THE COMMISSIONER OF CUSTOMS, SALT AND EXCISE.

Sea Salt Rules.

No. 416.—In exercise of the powers conferred on him by sections 30 and 31 of the Bombay Salt Act, II of 1890, the Commissioner of Customs, Salt and Excise, Bombay. is pleased to make the following rules to regulate the removal of salt from the Government Salt Works at Dharásna in the Bulsár Táluka of the Surat District, and from the Private Salt Works, including Government Salt Works leased to private persons, in the District of Thána, Kolába, Ratnágiri and Kánara and in the Town and Island of Bombay :—

1. The officers authorised to receive the duty and other charges payable under section 29 of the Bombay Salt Act, 1890, are—

(a) if the salt is to be removed from the Dharásna Salt Works the Sarkarkuns at Bulsár, Surat or Broach;

(b) if the salt is to be removed from private salt works in the Salt Tálukas of Bassein. Rái, Dádar, Trombay Bhándup, Belápur, Shewa, Uran, Karanja, or Pen—

(i) for export by sea or for inland transport by rail the Chief Account Officer of Customs, Salt and Opium, Bombay, with the exception of ground-rent which will be recovered by the officer granting the permit; or the Sarkarkun, Pen, in case of removals from the Pen Salt Works;

(ii) for local consumption or for inland transport by road the Sarkarkun of the Salt Táluka concerned;

and the Bandar Kárkun, Panvel, in case of salt removed from Panvel Saza, and the Duty Kárkuns, Goregaon and Malvani, in case of salt removed from Goregaon and Malavni Sazas;

(c) in the Salt Tálukas of Máróli, Vengurla or Sanikatta for any purpose the Sarkarkun of the Salt Táluka concerned and the Head Kárkun, Shiroda, in case of salt removed from Shiroda Salt Works.

2. Any amount that may become due under rule 12 (1) proviso (a) of the Bombay Salt Rules, 1918, on account of increase of duty or other charges shall be paid either to the officer to whom payment was made in the first instance or to the Sarkarkun or other officer granting the permit. The officer receiving payment of differential duty or other charges shall thereupon issue an amended delivery order or a supplementary permit in the manner prescribed for original payments.

3. If the officer to whom the payment is made is not the officer in charge of the Salt Works from which the salt is to be removed he shall prepare a Delivery Order in the appended form in triplicate and shall hand over the copy to the applicant as a receipt, forward another copy to the officer in charge of the Salt Works, and retain the third copy.

[illegible]

paid the duty and other charges to any other officer authorized to receive them, he must attach to his application the Deilvery Order (rule 3).

5. After satisfying himself that the duty and other charges have been paid, the officer empowered to grant permits shall at once grant a permit for the removal in the appended form.

Delivery Order under Cash Payment system.

No. Original.

Salt Delivery Order.

To

The Sarkarkun of

Please deliver to Mr. salt to the duty value of Rs. only at the rate in force on the date on

which the salt is actually delivered to him. Cash to this extent has been paid into this office on the 1919.

Chief Account Office,
Bombay, 1919.

Chief Account Officer of
Customs, Salt and Opium.

Camp Poona, 1st September 1919.

E. L SALE,
Acting Commissioner of Customs, Salt and Excise.

Camp Poona, 3rd September 1919.

V

RULES REGARDING THE DISPOSAL OF APPLICATIONS FOR PERMISSION TO OPEN NEW SALT-WORKS.

(Printed on pages 175 and 176 of the *Bombay Government Gazette*, Part I of 1890)

No 1733-B—The disposal of applications for permission to open new salt-works shall, subject to the control vested in the Governor in Council and in the Commissioner by Bombay Acts, VII of 1873 and V of 1882, be regulated by the following rules:—

1. All applications for permission to manufacture salt are to be made to the Collector of Salt Revenue.

2. On receipt of any such applications the Collector of Salt Revenue shall in the first place make such inquiry as may be necessary to determine whether manufacture should be allowed or not in the locality referred to in the application. If it shall appear to him that manufacture may be allowed, and if the land be unoccupied, he shall report the result of his enquiry with his own opinion and the grounds thereof, to the Commissioner of Salt Revenue, and shall, if the Commissioner so directs, apply to the Collector of Land Revenue to have the land placed at his disposal for salt manufacture in accordance with Rule 7 (*b*) of the rules under the Bombay Land Revenue Code.

3. If the Collector of Land Revenue agrees to the appropriation of the land for salt manufacture, the Collector of Salt Revenue shall thereupon have the land surveyed and cause a scheme to be prepared for its conversion into

one or more salt-works, on such plan and of such dimensions as he may consider most advantageous.

4. The scheme shall embody a plan showing the position, shape and dimensions of the work or works to be constructed, and of pans, reservoirs, banks, storage platforms, channels, paths, etc., the routes by which only the salt is to be removed, the number and description of chaukis and other buildings to be provided by the manufacturer, the contribution to be paid towards cost of additional establishment, the rate of ground-rent to be levied, and all other particulars and conditions which the circumstances of the case may demand or which may from time to time be prescribed.

5 (1) The Collector shall submit the scheme and plan so prepared to the Commissioner.

(2) On receiving from or through the Commissioner instructions as to the scheme and plan finally approved the Collector of Salt Revenue may proceed to dispose of the right to construct the salt-works and to manufacture salt in accordance with it either to the original applicant, if there be no others, or by inviting tenders, or by auction; or, if there be insufficient competition, may lease the ground for a suitable term of years, on condition that the work constructed thereupon shall revert to Government on the expiry of the lease.

(3) In the event of the Collector desiring to substitute a lease for a term of years instead of putting up to auction the right to manufacture, etc., he shall, before passing orders, submit the matter to the Commissioner, and act in accordance with his directions.

6. The person whose application, tender or bid is accepted, or to whom the ground may be leased, shall be required to conform strictly to the scheme, any departure from which, except with the permission of the Collector in writing under sanction previously obtained from the Commissioner, will entail forfeiture of the permission to manufacture.

7. The Collector of Salt Revenue may, at any time of his own motion under sanction previously obtained from the Commissioner, apply to the Collector of Land Revenue to set apart for salt manufacture any unoccupied and unassessed land which he considers suitable and likely to be required for that purpose, and on the land being set apart may either at once proceed to prepare a scheme and dispose of the right

of manufacture or await applications, as may seem most advisable.

8. It is to be distinctly understood that the right to manufacture salt conferred by the Collector of Salt Revenue under the foregoing rules, whether for a term of years or otherwise, will be distinct from the occupancy and includes no proprietary right. On the determination of the right to manufacture, whether by expiry, forfeiture or otherwise, the possession of the ground and of any works constructed on it reverts to Government absolutely.

9. (1) When the application relates to occupied land, the Collector of Salt Revenue, if he considers that manufacture may be allowed, shall inform the applicant of the terms upon which permission will be given, and refer him to the Collector of Land Revenue. On the receipt of an intimation that no objection to such appropriation exists on the part of the Land Revenue Department, the Collector of Salt Revenue shall, in consultation with the Collector of Land Revenue, consider on which of the alternative conditions mentioned in Rule 7 (c) of the Bombay Land Revenue Code Rules the permission to appropriate and the license to manufacture should be granted, and shall submit the result of such consideration to the Commissioner of Customs, Salt, Opium and Abkari.

(2) If under instructions received from the Commissioner it is decided that the occupancy should be relinquished and that a lease shall be granted in its stead, the Collector of Salt Revenue shall prepare a scheme under Rule 4 of these rules. In any other case the terms on which the license to manufacture salt shall be granted shall be such as may from time to time be prescribed. All decisions under this Rule shall, before the application is finally disposed of, be communicated to the applicant, who, if the license to manufacture salt is granted, will be bound by all the conditions so decided on.

VI

(For Sind only.)

Bombay Castle, 20th August 1919.

No. 8467.—In exercise of the powers conferred by sections 14, 52, 58 and 59 of the Bombay Salt Act, 1890 (Bom. II of 1890), and in supersession of Government Notification

in the Revenue Department No. 4678, dated 23rd June 1897, as subsequently amended the Governor in Council is pleased to make the following rules for the Province of Sind :—

Preliminary.

1. These rules may be cited as the Sind Salt Rules, 1919. **Short title.**

Excavation, Collection or Removal of Salt-earth.

2. Except within one mile of the frontier, or within **Salt-earth.** one mile of any Government Salt-Work, persons belonging to any of the following classes, namely—

(*a*) Agriculturists and cleaners or huskers of grain,

(*b*) Professional curers of hides,

(*c*) Do. dyers,

(*d*) Do. potters, and

(*e*) Do. washermen,

may without a license from the Collector excavate, collect or remove salt-earth, in the case of class (*a*) in any quantity, and in the cases of classes (*b*), (*c*), (*d*) and (*e*) in any quantity not exceeding in the aggregate in any one day 5 Bengal seers per household ; but no salt-earth so removed shall be put to any use other than—

(i) the manuring of fields, (ii) the construction of threshing grounds,	by agriculturists and cleaners or huskers of grain ;
(iii) the curing of hides, (iv) dyeing, (v) the manufacture of pottery, and (vi) washing and bleaching of clothes,	by professional curers of hides, dyers, potters and washermen as the case may be.

Control of Salt Works.

3. (*a*) No person other than a member of the Government supervising and guarding establishment appointed **Control of Salt-works.** to or stationed at the particular salt-work shall enter or remain within any salt work, between sunset and sunrise except with the permission of the officer in charge of the work, and

(*b*) No person may enter or leave any salt-work at any time except by the route or routes prescribed by the Collector for the purpose.

Nuisance. 4. No person shall commit a nuisance within the limits of the salt-work.

Prohibition of entry.

Prohibition of entry. 5. A person who has been proved to have been guilty of a breach of the provisions of the Bombay Salt Act, 1890, or of any rule thereunder may be prohibited from entering or working in or at a salt-work by an order in writing issued by the Assistant Commissioner of Salt, Excise and Opium in Sind.

Removal of Salt.

Rates of duty and other charges payable before removal of salt. 6. The duty and other charges which are, by section 29 of the Bombay Salt Act, 1890, required to be paid before a permit is granted for the removal of salt, are payable at the rates in force at the time when the duty and charges are paid to an officer authorised to receive them under section 30 of the said Act: provided that—

(*a*) if the rate of duty or other charges is increased after such payment and before the salt is removed from the salt-works, the salt shall not be removed until the additional duty or charge has been paid and a renewed permit been obtained;

(*b*) if the rate of duty or other charge is reduced any excess paid will be refunded.

Priority to be given to the indents of Government, local authorities and Government Salt Agents. 7. Every Salt-revenue-officer shall, in issuing salt, give priority to all applications or indents made by or on behalf of Government or by any local authority as defined in the Local Authorities Loans Act, 1914, or by any Government Salt Agents.

Extra charges leviable if salt allowed to remain on salt-work after delivery. 8. No salt, delivery of which has been given, shall be allowed to remain within the limits of any salt-work except on payment of an extra charge of one pie per maund per day or any part of a day by way of establishment expenses for guarding the same.

Reweighment of salt before removal if allowed 9. If salt, delivery of which has been given, is allowed to remain within the limits of a salt-work between the hours of sunset and sunrise, it shall not be removed unless it is

re-weighed. For such reweighment a fee of one rupee will ordinarily be charged, but if the day on which reweighment is made is a Sunday or a notified Government holiday a fee of rupees five shall be leviable. This fee is in addition to the charges leviable under rule 8.

to remain after delivery on the salt-work between sunset and sunrise.

Hours of business.

10. The hours during which salt shall be issued for removal shall be the hours between sunrise and sunset and no salt shall be issued on Sundays and holidays except on payment of rupees 20 per trader.

Route by and period during which salt to be conveyed to destination.

11. Salt intended for consumption in the Province of Sind shall be conveyed direct to its destination by the route and within the period prescribed in the permit and shall during its journey be accompanied by the permit; and salt intended for export out of the Province of Sind shall be conveyed direct by the route and within the period prescribed in the permit to the port or Railway Station of despatch and shall be accompanied by the permit; and all salt not so removed shall be liable to confiscation.

Disposal of things seized.

Salt-earth.

12. (*a*) Confiscated salt-earth shall be destroyed.

Confiscated goods.

(*b*) Goods seized under the Act which are liable to natural and speedy decay shall under the orders of an officer not lower in rank than an Inspector of the Salt and Excise Department or Head Munshi of the Revenue Department be forthwith sold by public auction, or, if unsaleable, be destroyed.

Keep of animals seized.

13. Any officer not lower in rank than the officers referred to in the last foregoing rule may give the directions specified in section 52 (3) (*b*) of the Act in any case in which such directions may be given under the provisions thereof.

Disposal of surplus proceeds of sales under rules.

14. The surplus proceeds of sales under rules 12 and 13 shall, unless the owner of the property sold establishes his claim to them within three months of the date of the sale be forefeited to His Majesty.

Fees.

Fees.

15. Amendments of documents relating to removal of salt shall be made on payment of a fee of rupee one in respect of each document and duplicate copies of salt documents shall

be granted on payment of such fees as may be chargeable under the rules in force under section 213 of the Bombay Land Revenue Code, 1879.

Penalties.

Penalties. 16. (*a*) Whoever commits a breach of any of the rules 2, 3 and 5 shall be punished with fine which may extend to Rs. 50 and in default of payment of fine with simple imprisonment for a term which may extend to one month.

(*b*) Whoever commits a breach of rule 4 shall be punished with fine which may extend to Rs. 20 and in default of payment of fine with simple imprisonment for a term which may extend to ten days.

VII

[For Sind only.]

May 1899

CIRCULAR.

The Acting Commissioner in Sind has the honour to issue the following orders under section 5 (1) of the Bombay Salt Act for the guidance of the Collectors and Deputy Commissioners in Sind and the Collector of Salt Revenue in Sind.

2. For the purposes of this Circular, " Collector " means the Collector of a district and " Collector of Salt Revenue in Sind " the officer for the time being performing the duties of the Chief Collector of Customs and Collector of Salt Revenue in Sind.

Appointments, fines, dismissals, etc. 3. Subject to the orders contained in the Commissioner in Sind's Memorandum No. 3931, dated the 13th August 1898, the powers of the Commissioner in Sind under section 6 are hereby delegated to the Collectors and Deputy Commissioners in respect of all the members of the land Salt Preventive Establishments in Sind; and to the Collector of Salt Revenue in Sind, in respect of all appointments in his own office, at the salt works (except the appointment of the Superintendent of the Maurypur Salt Works), salt deposits and enclosures and on the sea coast patrol establishments.

Appointments on salaries of Rs. 100 per mensem and over shall be subject to the approval of the Commissioner in Sind. The provisions of Revised Special Circular No. 19 shall continue to be applicable, *mutatis mutandis,* to all such appointments.

4. Licenses under sections 11, 12 and 13 shall be granted by the Collector of Salt Revenue in Sind only. Sections 11, 12 and 13, Manufacture, Excavation and Collection of salt and salt-earth.

5. For the purposes of Chapter IV the term "Collector" shall mean the Collector of Salt Revenue in Sind. Chapter IV, Private Salt Works.

6. *The Collectors and Deputy Commissioners shall issue* after consulting the Collector of Salt Revenue in Sind such orders as they may deem proper to regulate the examination and reweighment of salt under removal at preventive stations in their respective districts, whenever such stations may be established in Sind. Section 4 (2). Examination and reweighment of salt under removal from a salt work.

7. Licenses under section 37 (2) and 38 (2) may be granted by Collectors and Deputy Commissioners within their districts and by Assistant and Deputy Collectors in charge of Divisions within their respective charges. Sections 36, 37 and 38 (2). Section 37 (2), Storage, possession and sale of salt. Section 38 (2), Possession of salt exceeding one maund in weight.

8. Search warrants under section 42 may be issued by all Collectors and Deputy Commissioners within their districts and by all Assistant and Deputy Collectors within their charges and by any Magistrate. Section 42 Search Warrants.

9. All confiscations shall be adjudged by Collectors and Deputy Commissioners or by Assistant or Deputy Collectors in charge of Divisions and also by the Collector of Salt Revenue in Sind, within their respective jurisdictions. Section 52 Confiscations.

ACT No. XVI OF 1879.*

(30TH SEPTEMBER 1879.)

AN ACT TO RESTRICT THE TRANSPORT OF SALT BY SEA. (*AS MODIFIED UP TO 1ST OCTOBER 1907.*)

Preamble. WHEREAS it is expedient to restrict the transport of salt by sea in manner hereinafter appearing; It is hereby enacted as follows :—

Short title. 1. This Act may be called the Transport of Salt Act, 1879.

Local extent. It extends to the western coast of British India, north of Cochin, and to the sea within a distance of a marine league from such coast †

(*Commencement. Rep. Act XI of 1901, S. 3*)

[This Act applies to the States in Kathiawar as per Agency Notification No. 41, dated the 22nd November 1879.]

Penalties for carrying salt in certain vessels. 2. When any salt is carried by sea in any vessel other than a vessel of the burden of three hundred tons and upwards, the owner and master of such vessel shall each be punished with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

The small craft employed by the contractors for the supply of salt to the States of Cochin and Travencore should be specially exempted from the restriction as to the tonnage prescribed by the Transport of Salt Act, 1879.

(G of I, F. & C., No. D-45-8-3-81 and B. G R. No. *1640-21-3-81.*)

The words 'burden of 300 tons' used in section 2 of the Transport of Salt Act, 1879, mean the gross tonnage of a vessel and not the net tonnage.

It is a well established rule that penal enactments are to be strictly construed. '*The effect of the rule of strict construction*' says Maxwel, 'might almost be summed up

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* For Statement of Objects and Reasons, *see Gazette of India*, 1877, Pt. V, p. 17; for Report of the Select Committee, *see ibid*, p 94A; and for Proceedings in Council, *see ibid*, Supplement, pp. 88—126, 493 and 1223.

† The word "and" was repealed by the Repealing and Amending Act, 1901 (XI of 1901)

in the remark that where an equivocal word or ambiguous sentence leaves a reasonable doubt of its meaning which the canons of interpretation fail to solve, the benefit of the doubt should be given to the subject and against the Legislature which has failed to explain itself.'

Maxwel, p. 346. P. 18 of the *B. G G* for 1877, Pt. VI. Abstract of Legislative proceedings of the Governor General of India in Council, Vol. XVI, p. 16, and Vol. 18, p 223.

It is true that this rule 'yields to the paramount rule that every statute is to be expounded according to the intent of them that made it' But the legislative intents, *i e.*, the policy and object of the Legislature, was, as appears from the statement of objects and reasons, merely to prevent the surreptitious landing and smuggling which it was then apprehended was carried on by 'very small craft' and the original draft of the Act shows that it was intended to apply only to small vessels. There is no reason for supposing that it was intended to apply to vessels whose burden could only be reduced below 300 tons by applying certain technical rules of measurement established for purposes foreign to the Act.

(L. R. No 604-29-5-1893, *vide* G R. No. 4581-26-6-93.)

Exception.

3. Nothing in section 2 applies to—

Madras IV of 1889. Bom. II of 1890.

(*a*) Salt covered by a permit granted under* (Chapter V of the †Madras Salt Act, 1889, or Chapter V of the ‡Bombay Salt Act, 1890, or the corresponding law for the time being in force in the territories administered by the Governor of Fort St. George in Council or the Governor of Bombay in Council, as the case may be):

(*b*) Salt covered by a pass granted by any officer whom the Governor of Bombay in Council may appoint in this behalf.

(*c*) Such amount of salt carried on board any vessel for consumption by her crew or by the passengers or animals (if any) on board as the Governor of Bombay in Council may, from time to time, exempt from the operation of section 2.

* These words were substituted for the words "section 28 or section 31 of the Act of the Governor of Bombay in Council, No. VII of 1873, or by a rawana granted under Madras Regulation I of 1805, section II, clause third," by the Repealing and Amending Act, 1891 (XII of 1891). General Act, Vol. VI, p. 32.

† *See* Madras Code, ed. 1902, p. 883.

‡ *See* Bombay Code, Vol. III, ed 1907

His Excellency the Governor in Council is pleased under section 3, clause (c), of Act XVI of 1879, to exempt from the operation of section 2 of the said Act such amount of salt not exceeding half a Bengal seer for each person on board as may be carried on any vessel for consumption by her crew or by the passengers on board

(G N No 66, 6th January 1880, *Bombay Government Gazette*, Part I, p. 37, of 1880)

Power of stoppage, search and arrest.

4. When any officer empowered by the Governor of Bombay in Council, whether by name or office, to act under this section, has reason to believe, from personal knowledge or from information taken down in writing, that any salt is being carried, or has within the twenty-four hours next before the requirement first hereinafter mentioned been carried, in any vessel, so as to render the owner or master of such vessel liable to the penalties prescribed by section 2, he may require such vessel to be brought to, and thereupon may—

(a) enter and search the same,

(b) require the master of such vessel to produce any documents in his possession relating to such vessel or the cargo thereof;

(c) seize such vessel if the said officer has reason to believe it liable to confiscation under this Act, and cause it to be brought with its crew and cargo into any port in British India; and

(d) where salt is found on board such vessel, search and arrest without a warrant any person on board the same who, such officer has reason to believe, is punishable under section 2.

All officers of the Salt Department, not lower in rank than a Coast Guard Inspector or an officer in charge of a Custom House, are empowered to act under section 4 of the Transport of Salt Act XVI of 1879.

(G R. No. 5956 of 7th November 1879)

Penalties for resisting officer.

5. Any master of a vessel refusing or neglecting to bring to or to produce his papers when required to do so by an officer acting under section 4, and any person obstructing any such officer in the performance of his duty may be arrested by such officer without a warrant, and shall be punished with fine which may extend to one thousand

rupees, or with imprisonment for a term which may extend to six months, or with both.

6. Every vessel in which salt is carried so as to render the owner or master of such vessel liable to the penalties prescribed by section 2, the cargo on board such vessel and salt in respect of which an offence under this Act has been committed shall be liable to confiscation. Confiscation of vessel an cargo.

The confiscation of any vessel under this section shall include her tackle, apparel and furniture.

Confiscations under this section may be adjudged by the Chief Customs authority, or by such other officer as the Local Government may, from time to time, appoint in this behalf.

Whenever any Customs officer is satisfied that any article is liable to confiscation under this section, he may seize such article, and shall at once report the seizure to his superior officer for the information of the Chief Customs authority or such other officer as aforesaid, and such authority or officer may, if satisfied on such report, or after making such enquiry as it or he thinks fit, that the article so seized is liable to confiscation, either declare it to be confiscated or impose a fine in lieu thereof not exceeding the value of the article.

In exercise of the powers conferred by section 6 of the Transport of Salt Act, 1879 (XVI of 1879), and in supersession of Government Notification in the Revenue Department No. 5108, dated the 28th July 1886, the Governor in Council is pleased to appoint the Collector of Customs, Bombay, the Deputy Commissioner of Salt and Excise, Northern, Central and Southern Divisions, and the Chief Collector of Customs in Sind, within the local limits of their respective charges, to adjudge confiscations under section 6 of the said Act.

(Government Notification No. 11844, 3rd October 1917, Revenue Department.)

Rules for regulating the grant of rewards for the detection and prevention of offences against the Transport of Salt Act, 1879, in the Bombay Presidency including Sind:—

1. The authority adjudging a confiscation under section 6 of the Transport of Salt Act shall have the power to grant in such proportion as he may think fit, to any person or persons who may have contributed to the seizure of the

property confiscated or the conviction of the party or parties offending, rewards not exceeding in the aggregate the estimated value of the property confiscated *plus* the amount of any fine imposed.

2. In any case in which in the opinion of the authority referred to in Rule 1, any person has performed any service of special merit in connection with the prevention or detection of any offence under the Transport of Salt Act, he shall have power to grant to such person a reward not exceeding Rs. 50 (fifty) which may be in addition to or in lieu of any reward which may or might have been granted under Rule 1.

(Government Notification No 5408, 28th July 1886, page 627 of *Bombay Government Gazette*, Part I of 29th July 1886.)

Jurisdictions

7. For the purpose of the adjudication of penalties under section 2 or section 5 every offence thereunder may be deemed to have been committed within the limits of the jurisdiction of the Magistrate of any place where the offender is found, or to which, if arrested under section 4 or section 5, he may be brought.

Power to exempt from operation of Act

8. The Governor General in Council may from time to time, by notification in the *Gazette of India*, exempt the carriage of salt within any local limits or in any class of vessels, from the operation of this Act, and, by like notification, again subject such carriage to the operation of this Act.

Departmental Orders under the Transport of Salt Act, 1879.

The Coast Guard Inspectors and officers in charge of Custom Houses are empowered under section 4 of the Transport of Salt Act (XVI of 1879) to require vessels believed either from personal knowledge or from information taken down in writing to have salt on board contrary to this Act to be brought to any British Indian Port. When any ship carrying salt in contravention of this Act has been seized she should be brought to the nearest port at which a Sarkarkun's kutcheri is situated. That officer will then prepare proceedings as in ordinary salt cases and send up any owner or master liable to punishment under section 2 to the nearest 1st or 2nd Class Magistrate's Court.

It will be understood that under this Act salt brought from Cutch, Kathiawad or other foreign port for importa-

tion into British India must be carried in ships of 300 tons burthen.

Fishing boats putting out with salt for curing their fish at sea covered by a pass in the usual form granted by the officers in charge of Fish Curing Yards or Custom Houses are not to be interfered with.

(Collector of Salt Revenue No. 4711, 11th November 1879.)

Proceedings in cases under the Transport of Salt Act, XVI of 1879, should be prepared as in ordinary salt cases and submitted to the Assistant Collector of the Subdivision for transmission to the Deputy Commissioner.

Vessels of less than 300 tons with black salt on board should not be allowed to communicate with Gujarat coast, as illicit dealings in salt may be carried on under cover of trade in black salt.

(Collector of Salt Revenue No. 5832, 30th December 1895.)

The Transport of Salt Act is not applicable to creeks and rivers.

(Collector of Salt Revenue No. 5104, 30th May 1907.)

THE INDIAN PORTS ACT, 1908 (XV OF 1908).

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ACT No. XV OF 1908.

Passed by the Governor Gentral of India in Council.

(*Received the assent of the Governor General on the 18th December 1908.*)

AN ACT TO CONSOLIDATE THE ENACTMENTS RELATING TO PORTS AND PORT-CHARGES.

WHEREAS it is expedient to consolidate the enactments relating to ports and port-charges; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Title and extent

1. (*1*) This Act may be called the Indian Ports Act, 1908.

(*2*) It shall extend, save as otherwise appears from its subject or context,—

(*a*) to the ports mentioned in the first schedule, and to such parts of the navigable rivers and channels leading to such ports respectively as have been declared to be subject to Act XXII of 1855 (*for the Regulation of Ports and Port-dues*) or to the Indian Ports Act, 1875, or to the Indian Ports Act, 1889;

XIII of 1875. X of 1889.

(*b*) to the other ports or parts of navigable rivers or channels to which the Local Government, in exercise of the power hereinafter conferred, extends this Act.

(*3*) But nothing in section 31 or section 32 shall apply to any port, river or channel to which the section has not been specially extended by the Local Government.

Savings.

2. Nothing in this Act shall—

(i) apply to any vessel belonging to, or in the service of, His Majesty or the Government of India, or to any vessel of war belonging to any Foreign Prince or State, or

(ii) deprive any person of any right of property or other private right, except as hereinafter expressly provided, or

(iii) affect any law or rule relating to the customs or any order or direction lawfully made or given pursuant thereto.

3. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(1) "Magistrate" means a person exercising powers under the Code of Criminal Procedure, 1898, not less than those of a Magistrate of the second class, and includes, in the towns of Calcutta, Madras and Bombay, a Presidency Magistrate; V of 1898.

(2) "master," when used in relation to any vessel, means, subject to the provisions of any other enactment for the time being in force, any person (except a pilot or harbour-master) having for the time being the charge or control of the vessel;

(3) "pilot" means a person for the time being authorized by the Local Government to pilot vessels;

(4) "port" includes also any part of a river or channel in which this Act is for the time being in force;

(5) "port-officer" is synonymous with master-attendant;

(6) "ton" means a ton as determined or determinable by the rules for the time being in force for regulating the measurement of the net tonnage of British ships; and

(7) "vessel" includes anything made for the conveyance by water of human beings or of property.

CHAPTER II.

Powers of the Local Government.

4. (1) With the previous sanction of the Governor General in Council, the Local Government may, by notification in the local official Gazette,— Power to extend or withdraw the Act or certain portions thereof.

(a) extend this Act to any port in which this Act is not in force or to any part of any navigable river or channel which leads to a port and in which this Act is not in force;

(b) specially extend the provisions of section 31 or section 32 to any port to which they have not been so extended;

(c) withdraw this Act or section 31 or section 32 from any port or any part thereof in which it is for the time being in force.

(2) A notification under clause (a) or clause (b) of sub-section (1) shall define the limits of the area to which it refers.

(3) Limits defined under sub-section (2) may include any piers, jetties, landing places, wharves, quays, docks and other works made on behalf of the public for convenience of traffic, for safety of vessels, or for the improvement, maintenance or good government of the port and its approaches, whether within or without high-water-mark, and, subject to any rights of private property therein, any portion of the shore or bank within fifty yards of high-water-mark.

(4) In sub-section (3) the expression "high-water-mark" means the highest point reached by ordinary spring tides at any season of the year.

Alteration of limits of ports.

5. (1) The Local Government may, with the previous sanction of the Governor General in Council and subject to any rights of private property, alter the limits of any port in which this Act is in force

(2) When the Local Government alters the limits of a port under sub-section (1), it shall declare or describe, by notification in the local official Gazette, and by such other means, if any, as it thinks fit, the precise extent of such limits.

REVENUE DEPARTMENT.

Bombay Castle, 12th April 1901.

No. 2392 A and B.—In exercise of the powers conferred by section 5 of the Indian Ports Act, 1889, and in supersession of the Notifications specified in the margin, His Excellency the Governor in Council is pleased, with the previous sanction of the Governor General in Council, to declare that, on and after the first day of May 1901, the limits of the following continental ports of the Bombay Presidency in the northern and southern groups

Notification of the Revenue Department dated 28th November 1867, at pages 423 to 429 of the *Bombay Government Gazette* for 1867, Part I.

Notification No. 3257, dated 18th May 1882, at page 369 of the *Bombay Government Gazette* for 1882, Part I.

Paragraph 2 of Notification No. 9543, dated 18th December 1889, at page 1071 of the *Bombay Government Gazette* for 1889, Part I.

mentioned in part III of Schedule I of the said Act and in paragraphs 1 and 3 of Notification No. 9543, dated the 18th December 1889, shall in each case be those stated in column 2 of the annexed Schedule :—

Serial No.	Name of Port	Limits under the Indian Ports Act, 1889
	Northern Group of Ports	
1	Gogha	To the north a line running east from the northern bank of the Sakarkhari To the south a line running from Kuda Point to Piram Light. To the east a line running north from the western side of the Piram Light-house
2	Dholera—Whittle Bandar	The western coast line of the Gulf of Cambay and all navigable chan- [illegible]
3	Tankari	The navigable channel of the river Dhadhar and of all creeks leading into it, and to the east of a line drawn from the Light-house at Deojagan to the village of Paniadra
4	Dehegam	To the north-east a line running north-west from a boundary post 300 yards above the Custom House To the south-west a line running north-west from a boundary post 300 yards below the Cus- [illegible]
5	Kavi	To the south-west a line running north-west from the boundary post 300 yards above the Dehegam Custom House. To the north-east a line running north-east from the boundary post 300 yards above the Custom House The limits of the anchorage are the same as are defined for Dehegam.
6	Dehej	[illegible]
7	Broach	Navigable channel of Narbada above a line drawn from Lohara north bank to Vehron on south
8	Bhagwa	So much of the rivers of Tena and Keem as lie to the east of a line drawn north and south from the Bhagwa Dandi Light to the north bank of the Keem River and south bank of the Tena River, respectively
9	Surat	To the north a line drawn directly across the Tapti from the boundary post immediately above Kimli Bandar at Rander To the south a line drawn across the mouth of the Tapti from the boundary post immediately to the south of Vaux's Tomb to the village of Danti on the south of the Bhimpore Creek All parts of the navigable channel of the Tapti below high water mark spring tides and so much of the Bhimpore Creek as lies below and to the westward of a line drawn across the khari from the boundary post immediately above Bhimpore, and including the Dumas Channel between the said limits
10	Matwad	Navigable channel of Purna River and anchorage outside within 2½ miles radius from mid-channel at mouth and also the Kani Creek from its mouth up to the village of Jogeshwar
11	Balsar ..	Channel at the Auranga River east of the bar.
12	Umarsadi ..	Channel of the Par River east of the bar.

Serial No.	Name of Port	Limits under the Indian Ports Act, 1889
	Northern Group of Ports—contd.	
13	Kolak	Channel of the Kolak River east of the bar
14	Kalai	A line from north to south bank of Kalai Creek and the coasts southwards as far as, and including the village of, Phunseh, the shores and banks within this line
15	Maroli	The anchorage within a radius of one mile from entrance of creek midchannel, the shores and banks within these limits as far as navigable.
16	Umbergaon	A line from the north to the south bank of the entrance of the creek, the banks and shores as far as navigable.
	Gholwad	The coast line down to low water mark from the village of Dehri in the north to Chikhleh in the south, the anchorage to west of Gholwad and the banks of creeks as far as navigable.
18	Dahanu Creek	A line from the north to the south bank of entrance of the River and the banks of the River within that line
19	Tarapur	The navigable channel of the Tarapur Creek east of a line drawn across the entrance of that Creek and the coast line south as far as Givli; also the anchorage outside the creek
20	Olivara, Navapur	A line from the north to the south bank of the entrance of Navapur Creek and banks of the creek as far as navigable.
21	Satpati Creek	A line from south-west point of village of Morambet in the north to north west extremity of Satpati and thence following the shore as far as, and including the village, Shrigaon, the banks, shores and creeks within these limits
22	Mahim (Kelva)	From the north to the south bank of entrance of Wadrai Creek and, thence following the shore to the south bank of Mahim Creek, traversing that Creek at its entrance, the banks and shores within these limits
23	Kelva	A line from north to south bank of entrance of Kelva Creek and thence following the shore to, and including the village of, Userni, banks, shores and Creeks within these limits.
24	Dantivra	A [illegible]
	Arnala	A line from the south-west boundary of the port of Dantivra to the north-west extremity of Arnala Island, thence following the shore to the southernmost point of that Island and thence in a south-easterly direction to the mainland both the banks of the Bhatana Creek of the Vaitarna River as far as navigable, and so much of that River as is not included in the port of Dantivra
	Southern Group of Ports	
1	Bandra	The coast line from Mulla in the north to the north bank of Bandra Creek, and so much of the Bandra Creek as is within a line drawn from the last-mentioned point to mid stream and following mid-stream in an easterly direction to Mahim Causeway, the banks and shores within these limits as far as navigable.
2	Vesava	[illegible]
3	Manori	A line drawn to a point half a mile west of western extremity of [illegible]

Serial No.	Name of Port	Limits under the Indian Ports Act, 1889.
	Southern Group of Ports—contd.	
4	Utan	A line drawn half a mile seaward from the north point of Dharavi hill, and thence south along the coast half a mile from it as far as Gorai village, and thence due east to the shore and the coast within that line.
5	Bassein	[illegible]
6	Bhiwndi	From north-west extremity of village of Dewah, a line due north to the shore of the village of Kharbau and the banks of the creek east of that line
7	Kalyan	A line drawn from the west point of the village of Unjur to the north point of the village of Khari and the banks of the creek east of that line
8	Thana	The north limit of Trombay Harbour and a line from the west point of the village of Wowle due north to the opposite shore, the banks of the Thana River and of all creeks within those limits, exclusive of the ports of Kalyan and Bhiwandi
9	Mahul	The coast and creeks to the north of the Port of Bombay boundary line between Mahul and Siwri so far as navigable
10	Trombay	A line from the northernmost boundary pillar of the port of Bombay near the village of Trombay, to a point on the Bombay boundary line, half way between the above-mentioned pillar at Trombay and the pillar on *Hog Island thence to the north limit of the Port* of Panwel in the village of Trombay and another line from the west point of the village of Dewh due west to the opposite shore, the coast and banks within these limits.
11	Panwel	From a point on the north shore of Hog Island quarter of a mile eastward of Hydraulic Lift, to southernmost boundary of village of Trombay on east bank of the Thana Creek, the coast and Creeks within these limits as far as navigable
12	Mora	West a line drawn from the Bombay boundary pillar on the shore west of the Mora village to Bombay boundary pillar on the shore to the south west of Hydraulic Lift, Hog Island—the banks and creeks within that line as far as navigable In the Shewa Nhawe Creek the farthest limit is the Panwel Road
13	Karanja	The Karanja Creek and all branches therefrom which lie to the east of the Port of Bombay boundary line in said creek that is a line drawn from Nowkhar on the south shore to Karanja on the north shore, the banks and shores within this line as far as navigable In the Jasai Creek the Panvel Road is the farthest limit
14	Thal	The shore between south-east boundary of Bombay Harbour and south bank of Varsoli Creek, with anchorage between these points and Varsoli River as far as it is navigable.
15	Alibag	A line from north point of Fort north-east to the shore and a line from the south point of Fort east, south-east to the Chaul Kodo Beacon, and thence in a straight line due east to the shore and the shores, bay and creeks within those lines as far as navigable.
16	Revdanda	A line from the north-west corner of Chaul Fort to north west extremity of Korlai Fort, the banks and river as far as navigable where both banks are in British territory, but where they are not, the boundary line towards the foreign bank is the thread or the centre of the stream.
17	Mandad	So much of the banks and navigable channel of Rajpuri River as are in British territory where both banks are not in British territory, the boundary line towards the foreign bank is the thread or the centre of the stream.
18	Bankot	.. A line from north to south entrance of River and the banks of the River as far as navigable in British territory, but where the north bank of the river lies in Habsan territory, the boundary line to the north is the thread or centre of the stream.

Serial No	Name of Ports.	Limits under the Indian Ports Act, 1889.
	Southern Group of Ports—contd	
19	Kelshi	A line from the north to the south entrance of the river, thence to western extremity of Dhaira Point, and thence following the shore to the south bank of Adeh Creek, the creeks, shores and banks within these limits as far as navigable
20	Harnai	[illegible]
21	Dabhol	[illegible] ...nosi, ... st of ... the ... reeks [illegible]
22	Borya	Tl[illegible]
23	Jaygad	A line from the headland south of Narwan Bay to the most northerly point of Jaygad Head and thence following the coast to the north east corner of Amboo Bay, the river, banks and shores within these limits as far as navigable.
24	Varavda	[illegible]
25	Ratnagiri	[illegible]
26	Purangad	A line from the western extremity of the north headland of the bay outside the entrance of the river to the westernmost extremity of the south headland of the same bay, the sea beach within that line and the banks of the Muchkundi River as far as navigable.
27	Jaytapur	From Ambulghar Headland to lighthouse on south headland of Yeshvant-ghar Creek, and the banks of the Creek as far as navigable
28	Vijaydurg	From north to south headland at entrance of the Vaybotana River and the coast southwards as far as and including Kaloshi, the banks of the river and shores as far as navigable
29	Devagad	A line from north to south entrance of the River and then following the coast to the south end of Kunkeshwar Sands
30	Achra	From the extremity of the north headland to a point one mile due south of it, and thence in a straight line to the shore, the coast within this line and the banks of the river as far as navigable.
31	Malvan	From the north bank of entrance to Sarjekot Creek to South point of Kawda Rock, from Kawda Rock to the western extremity of Sindhudurg, and from this point to south bank of entrance of Karli River, the banks and shores within these limits
32	Nivti	From south bank of entrance of Karli River, and thence following the line of coast, to south boundary of village of Kelus, including the Nivati Creek as far as navigable.
33	Vengurla	The coast line from northern extremity of Phalaye Phundeh beach to south-west extremity of light-house headland, thence a line drawn to west point of Mutha head and the coast south as far as south bank of entrance to Karjanbag Creek, including the Dabholi and Karajanbag Creeks as far as navigable, and the banks and shores within these limits

Serial No.	Name of Port.	Limits under the Indian Ports Act, 1889
	Southern Group of Ports—contd.	
34	Redi	A line from south bank of Karajanbag to northern extremity of Redi point and then following the shore to north-west boundary of Terekhol including the Redi Creek as far as navigable. The anchorage west of Redi Creek
35	Kirnapani	A line drawn from easternmost boundary of Terekhol village southwards to middle of the creek and thence following the centre or thread of the stream as far as the river is navigable, the banks and shore to north and east of this line
36	Tilmati	A line from Southernmost limit of Portuguese territory on the sea-coast to Black or Kumba Rock and thence skirting the west of Kangi Guda direct to the mainland, the shores and banks within these limits.
37	Sadashivgad	From south bank of mouth of Sadashivgad River to Dayamada Point and all branches of the river to the east of this line as far as navigable
38	Karwar, including Baitkhol.	From south bank of entrance to Sadashivgad River to Light house on Oyster Rock, and thence direct to Karwar Head north point, the shores and banks within these limits.
39	Bingi	A line from southernmost point of north headland of the bay to westernmost extremity of Small Point north of the hamlet of Arge.
40	Chendiya	From the extremity of Chendiya Headland through Sondgi Guda to Karkul Rock, thence to the west point of Honekody Hill and the shore within that line
41	Belikeri	A line from Kodar Gudda Point to Belikeri Point, the shores and banks within that line.
42	Antola	A line from north to south bank of entrance to river and the banks of the river within that line. The anchorage off of the creek
43	Gangavali	A line from north to south bank of entrance of the river and the banks of the river as far as navigable.
44	Tadri	A line from westernmost point of hill at the north to westernmost point of hill at south entrance of the river and the banks of the river within that line as far as navigable.
45	Kumpta	A line from the westernmost point of the north headland one mile seawards, thence one mile due south and thence due east to the shore, the coast and banks of creeks within that line
46	Honavar	The anchorage to the west of the bar, the bar and the banks of both branches of the creek as far as navigable
47	Manki	A line due south from the west point of Mankiburg Hill for a mile and a half and thence due east to the shore, the coast within that line
48	Murdeshwar	A line from the west point of the hill due south for 1½ mile, thence due east to the shore, the coast within that line
49	Shirali	A line from north to south bank of entrance of Shirali River, and the banks of all branches of the river as far as those branches are navigable.
50	Bhatkal	A line from a point on the sea shore half a mile north of the river drawn seaward one mile, thence due south until abreast of Tanirmadi Point and thence straight to the shore, the coast and the banks of the river within these limits.

Note.—Limits defined in column 3 include all piers, jetties, wharves, landing places and other works made for convenience of traffic, for safety of vessels or for, the improvement, maintenance or good government of the port and its approaches whether within or without high water mark, and subject to any rights of private property therein any portion of the shore or bank within 50 yards of high water mark.

Power to make port rules

6. (1) The Local Government may, in addition to any rules which it may make under any other enactment for the time being in force, make such rules, consistent with this Act, as it thinks necessary for any of the following purposes, namely :—

(a) for regulating the time and hours at and during which, the speed at which, and the manner and conditions in and on which vessels generally or vessels of any class defined in the rules, may enter, leave or be moved in any port subject to this Act;

(b) for regulating the berths, stations and anchorages to be occupied by vessels in any such port;

(c) for striking the yards and top masts, and for rigging-in the booms and yards of vessels in any such port, and for swinging or taking in davits, boats and other things projecting from such vessels;

(d) for the removal or proper hanging or placing of anchors, spars and other things being in or attached to vessels in any such port;

(e) for regulating vessels whilst taking in or discharging passengers, ballast or cargo, or any particular kind of cargo, in any such port, and the stations, to be occupied by vessels whilst so engaged;

(f) for keeping free passages of such width as may be deemed necessary within any such port, and along or near to the piers, jetties, landing-places, wharves, quays, docks, moorings and other works in or adjoining to the same, and for marking out the spaces so to be kept free;

(g) for regulating the anchoring, fastening, mooring and unmooring of vessels in any such port;

(h) for regulating the moving and warping of all vessels within any such port and the use of warps therein;

(i) for regulating the use of the mooring buoys chains and other moorings in any such port;

(j) for fixing the rates to be paid for the use of such moorings when belonging to the Government or of any boat, hawser or other thing belonging to the Government;

(k) for licensing and regulating catamarans plying for hire, and flats and cargo, passenger and other

boats plying, whether for hire or not, and whether regularly or only occasionally in or partly within and partly without any such port, and for determining the quantity of cargo or number of passengers to be carried by any such vessels;

(*l*) for regulating the use of fires and lights within any such port;

(*m*) for enforcing and regulating the use of signals or signal-lights by vessels by day or by night in any such port;

(*n*) for regulating the number of the crew which must be on board any vessel afloat within the limits of any such port;

(*o*) for regulating the employment of persons engaged in cleaning or painting vessels, or in working *in the bilges, boilers or double bottoms of vessels* in any such port;

(*p*) with the previous sanction of the Governor General in Council for the establishment and regulation of places to be used as sanitaria for the segregation or as hospitals for the treatment of persons who are or have recently been suffering from any dangerous infectious or contagious disease, and for regulating the action, including the disposal of dead bodies, to be taken—

(i) where a vessel on which there is any case of dangerous infectious or contagious disease common in India, enters or is in any such port;

(ii) where a vessel on which there is any case of dangerous infectious or contagious disease uncommon in India, enters or is in any such port.

(iii) where a vessel on which there has been any case of dangerous infectious or contagious disease or any death within twelve days previous to the arrival of the vessel at such port, enters or is in any such port;

(iv) where a vessel enters any such port from a port in which, or in the neighbourhood of which, there is believed to be, or to have been at the time when the vessel left such port, any dangerous infectious or contagious disease uncommon in India;

(v) where a vessel enters any such port having on board any person transhipped from a vessel coming from a port in which or in the neighbourhood of which there is believed to be or to have been at the time when such last-mentioned vessel left such last-mentioned port, any dangerous infectious or contagious disease uncommon in India;

(vi) where there is a dead body on board a vessel in any such port;

(vii) where there are on board a vessel in any such port foodstuffs which, owing to decomposition or for any other reason, are in the opinion of the health officer unfit for human consumption; or

(viii) where a vessel leaves any such port while there is in the port or in its neighbourhood any dangerous infectious or contagious disease uncommon in India; for the purposes of this clause only such diseases shall be deemed to be dangerous, infectious or contagious diseases, or diseases common or uncommon in India, as the Governor General in Council may by order direct; and

(*q*) for securing the protection from heat of the officers and crew of vessels in any such port by requiring the owner or master of any such vessel—

(i) to provide curtains and double awnings for screening from the sun's rays such portions of the deck as are occupied by, or are situated immediately above, the quarters of the officers and crew;

(ii) to erect windsails so far as the existing portholes or apertures in the deck admit of their being used for ventilating the quarters of the officers and crew;

(iii) when the deck is made of iron and not wood-sheathed, to cover with wooden planks or other suitable non-conducting material such portions of the deck as are situated immediately above the quarters of the officers and crew;

(iv) when the quarters used by the crew and the galley are separated by an iron bulkhead only, to furnish a temporary screen of some suitable non-conducting material between such quarters and the galley.

(*2*) The power to make rules under sub-section (*1*) is subject to the condition of the rules being made after previous publication :

Provided that nothing in this sub-section shall be construed to affect the validity of any rule in force immediately before the commencement of the Indian Ports Act, 1889, and continued by section 2, sub-section (*2*), of that Act.

(*3*) If any person disobeys any rule made under clause (*p*) of sub-section (1), he shall be punishable for every such offence with fine which may extend to one thousand rupees.

(*4*) If a master fails wholly or in part to do any act prescribed by any rule made under clause (*p*) of sub-section (*1*), the health-officer shall cause such act to be done, and the reasonable expenses incurred in doing such act shall be recoverable by him from such master.

REVENUE DEPARTMENT.

Bombay Castle, 2nd June 1914.

Govt. Notn. No. 1735, dated 5th March 1890.
Govt. Notn. No, 7929, dated the 7th November 1890.
Govt. Notn. No. 3202, dated 3rd May 1893.
Govt. Notn. No. 4633, dated 23th May 1894.
Govt. Notn. No. 5554, dated 20th July 1904.
Govt. Notn. No. 14301, dated 27th November 1917.

No. 5151.—In exercise of the powers conferred by section 6, sub-section (*1*), of the Indian Ports Act, 1908 (XV of 1908), and in supersession of the marginally noted notifications in the Revenue Department, the Governor in Council is pleased to make the following rules to be observed in the ports named below :—

Panvel.	Dabhol.	Jaytapur.	Vengurla.
Mora.	Borya.	Viziadurg.	Karwar.
Karanja.	Jaygad.	Devgad.	Tadri.
Alibag.	Varovda.	Achra.	Kumta.
Revdanda.	Ratnagiri	Malvan.	Honavar.
Bankot.	Purnagad.	Nivti.	Bhatkal.
Harnai.			

1. No steamer touching at any of the aforesaid ports shall take in or discharge any passenger unless before beginning to do so, and during the whole time that she is doing so,

there is exhibited at her fore or main mast, or in some other position in which it can most easily be distinguished, a signal as described below :—

(*a*) *Signal between Sunrise and Sunset.*

The Rendezvous Flag (blue and white chequers : letter N of the Commercial Code).

(*b*) *Signal between Sunset and Sunrise.*

A red light.

2. Every such steamer shall anchor before exhibiting any signal required by Rule 1, and shall remain anchored during the whole of the time that it is exhibited, unless the conditions of weather, tide, etc., should be such that the safety of the vessel or of boats approaching it would be thereby endangered.

3. No boat shall ply, whether for hire or otherwise, in or from any of the ports specified, unless licensed for the purpose by the Deputy Commissioner of Salt and Excise of the Division in which the port is situated or other officer authorised by him. The grant of any such license shall be in the absolute discretion of the said Deputy Commissioner or other officer Licenses shall be issued annually and shall remain in force from the 1st October in one year to 30th September of the year following, but shall be liable at the discretion of the Deputy Commissioner of Salt and Excise to suspension or revocation in case of any breach of these rules or other misconduct on the part of the Licensee or his employés.

4. The person in charge of every such boat plying for hire shall be provided by the Licensee with a table of fares to be charged, signed by such Licensee and by the Chief Officer of Customs at the Port. Such table of fares shall be shown to any passenger on demand. Any attempt to extort fares in excess of those specified in the said table shall entail forfeiture of the license.

5. Every license shall be in the form hereto annexed. It shall be issued to the owner of the boat or his recognized agent, and shall be kept on board when such boat is plying for hire.

6. Every license shall specify the registered number of the boat, the port of registry, the name of the owner or agent, and the number of the crew. It shall further specify the number of passengers and the weight of goods which such boat

shall be entitled to carry. It shall also prescribe the number of masts, yards, sails, oars, boat-hooks, poles, fenders and other articles which shall constitute the equipment of the boat.

7. In calculating the number of passengers and the weight of goods which a boat shall be allowed to carry, two children, unless they are both in arms, shall be reckoned as equal to one adult, and two Indian maunds weight of goods shall be reckoned as equal to one adult. Children in arms shall not be reckoned.

8. No boat shall under any circumstances ply, whether for hire or otherwise, without having on board the full crew and equipment named in the license: provided that if the boat is one propelled by sails as well as oars, it shall be optional to carry the sails, masts and yards.

9. Every boat, when actually plying, whether for hire or otherwise, under these rules between sunset and sunrise, *shall show a white light above the bows.*

10. No boat plying, whether for hire or otherwise, under these rules shall in any case go alongside any coasting or ferry steamer until such steamer shall have exhibited a signal as described below, to signify that she is ready to receive and disembark passengers.

(a) Signal between Sunrise and Sunset.

The Rendezvous Flag (blue and white chequers: letter N of the Commercial Code) at the fore or main mast head or other conspicuous position, or

(b) Signal between Sunset and Sunrise.

A red light in the same position.

11. Every license issued under these rules shall be shown on demand to any Customs Officer or to any passenger on board the boat in respect of which it has been issued.

12. No such license shall be transferable except with the permission of the Deputy Commissioner of Salt and Excise and no fee shall be payable in respect of any such license.

Form of License.

Port
Number of boat
Names of owners
Name of agent
Number of crew
Equipment

Licensed to carry passengers or maunds weight of goods.

This license is issued under the rules published by Government at p. 1255 of Part I of the *Bombay Government Gazette* for 1914, under section 6 of the Indian Ports Act XV of 1908. It is not transferable except with the permission of the Deputy Commissioner of Salt and Excise, and is liable at the discretion of that officer to suspension or revocation in case of any breach of the rules or other misconduct on the part of the Licensee or his employés.

By order of His Excellency the Right Honourable the Governor in Council,

G. S. CURTIS,

Acting Chief Secretary to Government.

A.—License issued under the Rules published by Government at page 1255 of Part I of the "Bombay Government Gazette" for 1914 under Section 6, Sub-Section (1), of the Indian Ports Act (XV of 1908).

Port	..	
Number of Boat	..	No. Tons
Names of Owners	..	
Name of Agent	..	
Number of crew	..	
Equipment	..	Oars, 2 boat-hooks, rowlocks. 1 mast, 1 sail, 1 rudder, 1 tiller, 1 anchor, 1 cable, 1 bailer to hold at least one gallon, and poles for shoving as required.

Fare Table.

Names of landing places.		Fair Season.		Foul Season.	
From	To	Per Person.	Per Trip.	Per Person.	Per Trip

Superintendent of Salt and Excise,
Sub-Division.

Licensed to carry and passengers or and maunds weight goods, respectively, in fair and foul seasons.

This License is not transferable except with the permission of the Deputy Commissioner of Salt and Excise, and is liable at the discretion of that officer to suspension or revocation in case of any breach of the Rules or other misconduct on the part of the Licensee or his employés.

This License will remain in force :—

From	19	to	19
"	19	to	19
"	19	to	19

Date

Camp

Superintendent of Salt and Excise,
Sub-Division.

Bombay Castle, 28th February 1920.

No. 704.—In exercise of the powers conferred by clause (*k*) of sub-section (*1*) of section 6 of the Indian Ports Act, 1908 (XV of 1908), the Governor in Council is pleased to make the following rules to be observed in the ports named below :—

Gogha, Surat, Broach, Dehej and Bhagwa.

1. No boat shall carry passengers, either for hire or otherwise, between—

(*a*) any of the ports above specified except Gogha and any port in Kathiawar ; or

(*b*) between Gogha and any of the following ports, *viz.*, Surat, Broach, Dehej or Bhagwa,

Boats to be licensed. unless licensed for the purpose by the Deputy Commissioner of Salt and Excise, Northern Division, or by an officer authorized by him. The grant of any such license shall be in the absolute discretion of the said Deputy Commissioner or such officer. Licenses shall be issued annually and shall remain in force from the 1st October in one year to the 30th September of the year following, but shall be liable at the discretion of the Deputy Commissioner to suspension or revocation in case of any breach of these rules or other misconduct on the part of the licensee or his employés.

2. Every license shall be in the form hereto annexed. It shall be issued to the owner of the boat or to his recongized agent and shall be kept on board when such boat is carrying passengers or cargo. Form of license.

3. Every license shall specify the number of masts, yards, sails, oars, boat-hooks, poles, fenders and other articles which shall constitute the equipment of the boat. Specification of equipment in license.

4. In calculating the number of passengers and the weight of goods which a boat shall be allowed to carry, two children unless they are both in arms, shall be reckoned as equal to one adult, and two Indian maunds weight of goods shall be reckoned as equal to one adult. Children in arms shall not be reckoned. Number of passengers and weight of goods how to be calculated.

5. No boat shall under any circumstances ply, whether for hire or otherwise, without having on board the full crew and equipment named in the license. Boat not to ply without full crew and equipment.

6. Every license issued under these rules shall be shown on demand to any Customs Officer or to any passenger on board the boat in respect of which it has been issued. Inspection of license.

7. No license shall be transferred except with the permission of the Deputy Commissioner. License not transferable.

Form of License.

Port of Registry

Name and number of boat

Name of owner

Name of Agent

Number of crew

Equipment

Licensed to carry passengers or maunds weight, in fair and foul weather respectively.

This license is issued under the rules issued in Government Notification, Revenue Department, No. , dated 19 , and published at page of part I of the *Bombay Government Gazette* for 191 , under section 6 of the Indian Port Act, 1908 (XV of 1908). It is not transferable except with the permission of the Deputy Commissioner of Salt and Excise, Northern Division, and is

Licensed to carry and passengers or and maunds weight goods, respectively, in fair and foul seasons.

This License is not transferable except with the permission of the Deputy Commissioner of Salt and Excise, and is liable at the discretion of that officer to suspension or revocation in case of any breach of the Rules or other misconduct on the part of the Licensee or his employés.

This License will remain in force :—

From	19	to	19
"	19	to	19
"	19	to	19

Date

Camp

Superintendent of Salt and Excise,
Sub-Division.

Bombay Castle, 28th February 1920.

No. 704.—In exercise of the powers conferred by clause (*k*) of sub-section (*1*) of section 6 of the Indian Ports Act, 1908 (XV of 1908), the Governor in Council is pleased to make the following rules to be observed in the ports named below:—

Gogha, Surat, Broach, Dehej and Bhagwa.

1. No boat shall carry passengers, either for hire or otherwise, between—

(*a*) any of the ports above specified except Gogha and any port in Kathiawar; or

(*b*) between Gogha and any of the following ports, *viz.*, Surat, Broach, Dehej or Bhagwa,

Boats to be licensed.

unless licensed for the purpose by the Deputy Commissioner of Salt and Excise, Northern Division, or by an officer authorized by him. The grant of any such license shall be in the absolute discretion of the said Deputy Commissioner or such officer. Licenses shall be issued annually and shall remain in force from the 1st October in one year to the 30th September of the year following, but shall be liable at the discretion of the Deputy Commissioner to suspension or revocation in case of any breach of these rules or other misconduct on the part of the licensee or his employés.

G. R., G D, No 1352, dated 27th May 1879, G. of I., Home Department, No. 3-95-100, dated the 9th May 1879, and G. R., G. D., No. 3267, dated 26th November 1879, G. of I., Home, Revenue and Agricultural Department (Sanitary), No. 15-369-76, dated the 6th October 1879.

Rules for Quarantine against Plague or Yellow Fever.

In exercise of the power conferred by Act I of 1870, the following rules for Quarantine against Plague, Yellow fever, or some fatal epidemic not ordinarily prevalent among Indian populations have been made by with the previous sanction of the Governor General in Council; they will take effect from the
in the port of

I. The Commander of every vessel, including buggalows or other native craft, arriving from a port where plague, yellow fever or some fatal epidemic not ordinarily prevalent among Indian populations prevails, shall, before entering the harbour, indicate by signal the port from which such vessel has come.

II. Such Commander shall not, without having first obtained permission as hereinafter provided, allow any communication either with the Pilot Boat, except orally, or with the shore, or with any other vessel or boat in the harbour.

III. Immediately on the signal of such arrival being made, the Health Officer of the Port shall go alongside the vessel and ascertain by enquiry from the Commander whether [illegible] officer is satisfied by such inquiry that no such case has occurred he shall by writing under his hand, to be delivered to the commander, permit free communication between such vessel and the shore, and with other vessels and boats in the harbour.

IV. If the Health Officer shall [illegible] fifteen days from the day of arrival in the harbour or from the date of the occurrence of the latest case of illness, and shall further direct the commander to prohibit during the said fifteen days all communication, except such as is hereinafter provided for, between such vessel and the shore, or other vessels

common in India, he shall permit the vessel to proceed to her anchorage and to discharge passengers and cargo without any further restrictions. If he is not so satisfied, he shall proceed as provided in Rule 9 *et seq.* of these rules. The inspection of the Port Health Officer will ordinarily take place between sunrise and sunset.

7. On the completion of the inspection provided for in Rule 6, such of the passengers and crew as are found to be free from any of the above-mentioned diseases and unlikely to carry infection, shall be allowed to land. All baggage, personal effects, and cargo, except such articles as the Port Health Officer is entitled to disinfect, may also be landed.

8. If a case of any of the diseases mentioned in Rule 1 happen on any vessel *after* she has entered the docks (in Bombay), or has been moored at a wharf, the Master shall forthwith cause written information thereof to be given to the Dock Master or Superintendent of the wharf, who shall *communicate the information to the Port Health Officer* (through the Port Officer), and to the Superintendent of Police. The Master of the vessel shall be responsible that the sick *person shall be isolated as much as possible, and that free* communication between the ship and the shore is stopped until the Port Health Officer has inspected the vessel and enquired into the reported case.

Section 4—The taking of the sick to Hospital.

Note.—The regulations in sections 4, 5 and 6 should be carried out when the Port Health Officer considers them necessary to prevent the spread of disease.

9. When the Port Health Officer considers it necessary, in order to prevent the spread of disease, he may inspect the vessel including the passengers and crew, and may arrange for the conveyance of all persons suffering or suspected by him to be suffering from such disease to a sanitarium or hospital, unless the sick person or his friends can make adequate provision elsewhere.

10. The removal of passengers is not to be enforced in the case of persons bound for an onward port unless under the clearest necessity: and of every such case a special report explaining the reasons for the action taken, must be submitted to Government.

11. The Port Health Officer shall inform the Municipal Health Officer in all cases in which he arranges for the conveyance of a patient to a sanitarium or hospital or other places within Municipal limits, and shall furnish the address of any private accommodation to which he permits the removal of a patient.

12. Where small-pox is the disease on account of which the vessel is deemed infected, the Port Health Officer shall offer, without charge, vaccination or re-vaccination of all persons willing to be operated upon, and shall cause to be vaccinated, with the consent of their guardians, all children below 10 years and over 6 months of age who do not bear marks of vaccination or of small-pox.

Note—An ordinary vessel shall be deemed to be infected with small-pox when there are, or have been within the previous twelve days, more than two cases on board, and a pilgrim or emigrant ship shall be deemed to be infected with small-pox when there is, or has been within the previous twelve days, one case of small-pox on board.

Section 5.—The disinfection of infected articles.

13. The Port Health Officer shall, if he considers it necessary, either himself undertake, or direct the master of the vessel to undertake, the destruction or disinfection of all clothing, bedding and other articles of personal use which have been used by any person suffering from and of the diseases above mentioned and are or are likely to have been soiled with infective matter, or to retain infection.

14. When a vessel with one or more of the abovementioned diseases on board has passengers in a filthy and unwholesome condition, the Port Health Officer may cause the clothing and personal effects of such persons to be disinfected before allowing their disembarkation.

15. In the case of undecked Native Craft the Port Health Officer may direct the disinfection, or in special cases the destruction, of foodstuffs which have been exposed to contamination and he thinks likely to be infected.

Section 6.—The disinfection of the infected parts of a vessel.

16. The Port Health Officer shall, as the result of an examination made under Rule 6 or 9 above, direct the disinfection of any portion of the ship that he has reason to believe has been exposed to contamination, and may prohibit the discharge of bilge-water or water ballast within

port limits. If the disease is cholera, the Port Health Officer may direct the Master to have the bilges and water tanks emptied and disinfected.

Section 7—General.

17. The methods of disinfection, both of articles and vessels, shall as far as practicable be those prescribed in the appendix to these rules.

18. The action to be taken when there is a dead body on board in any port shall be as follows :—

(1) The master of the vessel will cause the death of any person on board to be made known at once to the Police, either by letter or otherwise, and shall also forward to the Port Health Officer a written report, as soon as possible after the occurrence, in which all the circumstances attending the death are to be fully detailed. All such notices of death shall be reported (1) in the Port of Bombay by the Harbour Police to the Municipal Health Officer and (2) at any other Coast Port by the Port Health Officer (*a*) in the case of the death of an European or Eurasian to the Collector of the District; and (*b*) in the case of the death of a native to the Registrar of Births and Deaths of the place.

(2) No dead body is to be removed from the ship, within ports limits, without the permission of the Police authorities, which shall not be given until the Port Health Officer has determined the cause of death.

(3) No person dying from any cause whatsoever shall be buried by sea burial within the port limits, and no Master of a vessel shall remove or permit any dead body on board his vessel, within the port limits, to be removed thereout for burial at sea; but every dead body which shall be upon any vessel within the port limits shall, in accordance with any precautions which may be prescribed by the Port Health Officer, be buried, burnt or otherwise disposed of, on shore, according to the nationality, class or caste to which the deceased person belonged.

19. The Master of a vessel coming under these rules, and any person to whom these rules apply, shall comply

with all the directions which the Port Health Officer considers it necessary to give under the foregoing rules.

Note.—The penalty for disobedience is prescribed in sub-section (3) of section 6 of the Indian Ports Act, 1901, *viz.*, a fine which may extend to Rs. 1,000.

20. Nothing in these rules shall be deemed to prevent a vessel whose Master is unwilling to submit to the above regulations from proceeding to sea, provided that there has been no communication between such vessel and the shore or with other vessel in the Port.

21. All officers of Customs, Port Trust, Water and Dock Police, the Executive Health Officer of the Municipality and the Resident Surgeons of Public Hospitals shall immediately communicate to the Port Health Officer information of any case of infectious disease among the shipping on the fore-shore, or in places frequented by seamen, that may come to their notice.

APPENDIX A.

I. Personal effects such as rags, bandages, papers and other articles of no value which the Port Health Officer believes are likely to carry infection should be burnt.

II. Under clothing, bedding, wearing apparel, mattresses, carpets, etc., which are contaminated or are suspected to be contaminated, should be exposed for fifteen minutes to saturated steam at a temperature of not less than 212° F. (100° C.), care being taken that the steam shall reach all parts of the article to be disinfected.

III. The disinfectants to be used are the following:—

(1) A solution of corrosive sublimate 1 part in 1,000 of [illegible] common [illegible] be tinted [illegible] should not be brought in contact with metals.

(2) A solution in water of clear carbolic acid. This solution should contain 5 parts of phenol in 100 parts of water.

(3) A solution containing 5 parts of commercial carbolic acid, free from tar oils, in 95 parts of a warm solution of soft soap.

* Preferably distilled or rain water.

(4) Limewash, prepared as follows :—

Take a quantity of good quicklime weighing 2 pounds and slake it by the gradual addition of about half a pint of water. The lime becomes hot, gives off steam and falls to a powder. This powder, if not used at once, should be kept in an airtight vessel in a dry place. For use, the quantity of slaked lime obtained from two pounds of quicklime should be placed in a convenient vessel and water added to make one gallon. Whenever possible freshly slaked lime should be used to make the limewash.

Special instructions to be observed in the use of the disinfecting solutions.

IV. Linen, clothing and articles which have been soiled by the discharges and excretions of patients should be soaked in the solution of corrosive sublimate* or in one of the carbolic acid solutions for at least 6 hours.

V. Articles which cannot, without injury, be exposed to a temperature of 212° F. such as leather goods, wooden articles stuck with glue, felt, etc., should be washed with the solution of corrosive sublimate. Metal articles or any material which would be injured by contact with the solution of corrosive sublimate should be soaked in a solution of carbolic acid.

VI. The limewash is particularly recommended for disinfecting excreta.

VII. Expectorated matter should be burnt.

VIII. Attendants on the sick ought to take the precaution of washing their own hands and faces with the solution of corrosive sublimate and afterwards with warm water.

Disinfection of ships.

IX. The cabins, forecastles, holds, water closets or latrines occupied or used by persons suffering or suspected to be suffering from an infectious disease, should be cleared out, and all the articles in them should be treated as directed above. Floors, walls and partitions should be disinfected

* The same solution, even if it remains clear should not be used more than three times, since the corrosive sublimate organic will be removed from the solution in combination with the matter in the clothing.

with the solution of corrosive sublimate, care being taken that every part is scrubbed and washed until it has been thoroughly wetted by the disinfecting solution. Two hours afterwards the walls, etc., should be washed with clean water.

X. In ships, in which cases of cholera have occurred, the drinking water should be pumped out and the water tanks and casks disinfected with solution of permanganate of potash acidulated with hydrochloric acid, before fresh drinking water is taken on board.

Disinfection of the bilges of an infected ship.

XI. Sulphate of iron in quantity sufficient to neutralize the sulphuretted hydrogen should first be thrown in: the bilge should then be pumped out and flushed with sea-water. After the sea-water has been pumped out, a suitable quantity of corrosive sublimate solution should be thrown in. The bilge water should not be pumped out within port limits without the authority of the Port Health Officer.

CHAPTER III.

PORT-OFFICIALS AND THEIR POWERS AND DUTIES.

7. (*1*) The Local Government shall appoint some officer or body of persons to be conservator of every port subject to this Act. Appointment of conservator.

(*2*) Subject to any direction by the Local Government to the contrary,—

(*a*) in ports where there is a port-officer, the port-officer shall be the conservator;

(*b*) in ports where there is no port-officer, but where there is a harbour-master, the harbour-master shall be the conservator.

(*3*) Where the harbour-master is not conservator the harbour-master and his assistants shall be subordinate to, and subject to the control of, the conservator.

(*4*) The conservator shall be subject to the control of the Local Government, or of any intermediate authority which that Government may appoint.

No. 11846, Revenue Department, dated 3rd October 1917.

In exercise of the powers conferred by section 7 of the Indian Ports Act, 1908 (XV of 1908), and in supersession of Government Notification in the Revenue Department, No. 6512-C., dated the 20th September 1882, the Governor in Council is pleased to appoint the Commissioner of Customs, and the Deputy Commissioners of Salt and Excise, Northern, Central and Southern Divisions, within their respective jurisdictions, acting in subordination to such Commissioner, to be the intermediate authorities, to whose control the conservators at all ports throughout the Bombay Presidency, except the Ports of Bombay and Aden and the ports in Sind, shall be subject.

The Governor in Council is pleased further to invest the Commissioner of Customs with chief control over the Port Fund receipts and expenditure of the ports aforesaid.

No. 789, dated 13th February 1878.

His Excellency the Honourable the Governor in Council is pleased to direct that, for the purpose of section 18 of the Indian Ports Act, 1875, all officers in charge of Customs Houses, under the control of the Collector of Salt Revenue, shall be Assistants to the Conservator of each of the Ports within their respective ranges to which the said Act now is or may hereafter at any time become applicable.

Power of conservator to give and enforce directions for certain specified purposes.

8. (*1*) The conservator of any port subject to this Act may, with respect to any vessel within the port, give directions for carrying into effect any rule for the time being in force therein under section 6.

(2) If any person wilfully and without lawful excuse refuses or neglects to obey any lawful direction of the conservator, after notice thereof has been given to him, he shall, for every such offence, be punishable with fine which may extend to one hundred rupees, and in the case of a continuing offence with a further fine which may extend to one hundred rupees for every day during which, after such notice as aforesaid, he is proved to have wilfully and without lawful excuse continued to disobey the direction.

(3) In case of such refusal or neglect, the conservator may do, or cause to be done, all acts necessary for the purpose of carrying the direction into execution, and may hire and

employ proper persons for that purpose, and all reasonable expenses incurred in doing such acts shall be recoverable by him from the person so refusing or neglecting to obey the direction.

9. The conservator of any such port may, in case of urgent necessity, cut or cause to be cut, any warp, rope, cable or hawser endangering the safety of any vessel in the port or at or near to the entrance thereof. Power to cut warps and ropes.

10. (1) The conservator may remove, or cause to be removed, any timber, raft or other thing, floating or being in any part of any such port, which in his opinion obstructs or impedes the free navigation thereof or the lawful use of any pier, jetty, landing place, wharf, quay, dock, mooring or other work on any part of the shore or bank which has been declared to be within the limits of the port and is not private property. Removal of obstructions within limits of port.

(2) The owner of any such timber, raft or other thing shall be liable to pay the reasonable expenses of the removal thereof, and if such owner or any other person has without lawful excuse caused any such obstruction or impediment, or causes any public nuisance affecting or likely to affect such free navigation or lawful use, he shall also be punishable with fine which may extend to one hundred rupees.

(3) The conservator or any Magistrate having jurisdiction over the offence may cause any such nuisance to be abated.

KUMPTA CIVIL SUIT NO. 339 OF 1914.

Manager Ravlu bin *Subrao* and others

vs.

Mr. Ramchandra Narayan Aryamane, Sarkarkun, Honawar.

In this the Sarkarkun, Honawar, removed a bandh in the Kumpta Creek which it was alleged constituted an obstruction to free navigation. The bandh in question being in private land and not removed with the sanction of Government under section 12 the Sub-Judge held that under section 18 the Secretary of State cannot be a necessary party to the suit and decreed Rs. 20 as damages to the plaintiff from the defendant Mr. Aryamane.

In an application for sanction to appeal against the Sub-Judge's decree Government ruled that in view of section 18 the Sub-Judge's order was correct and should not be appealed against.

(Government letter No. 1150, dated 27th November 1915, Legal Department.)

Recovery of expenses of removal.

11. If the owner of any such timber, raft or other thing or the person who has caused any such obstruction, impediment or public nuisance as is mentioned in the last foregoing section, neglects to pay the reasonable expenses incurred in the removal thereof, within one week after demand, or within fourteen days after such removal has been notified in the local official Gazette or in such other manner as the Local Government by general or special order directs, the conservator may cause such timber, raft or other thing or the materials of any public nuisance so removed, or so much thereof as may be necessary, to be sold by public auction;

and may retain all the expenses of such removal and sale out of the proceeds of the sale and shall pay the surplus of such proceeds, or deliver so much of the thing or materials as may remain unsold, to the person entitled to receive the same;

and, if no such person appears, shall cause the same to be kept and deposited in such manner as the Local Government directs;

and may, if necessary, from time to time, realize the expenses of keeping the same, together with the expenses of sale, by a further sale of so much of the thing or materials as may remain unsold.

Removal of lawful obstructions.

12. (*1*) If any obstruction or impediment to the navigation of any port subject to this Act has been lawfully made, or has become lawful by reason of the long continuance of such obstruction or impediment, or otherwise, the conservator shall report the same for the information of the Local Government, and shall with the sanction of that Government, cause the same to be removed or altered, making reasonable compensation to the person suffering damage by such removal or alteration.

(*2*) Any dispute arising concerning such compensation shall be determined according to the law relating to like disputes in the case of land required for public purposes.

13. (*1*) If any vessel hooks or gets foul of any of the buoys or moorings laid down by or by the authority of the Local Government in any such port, the master of such vessel shall not, nor shall any other person, except in case of emergency, lift the buoy or mooring for the purpose of unhooking or getting clear from the same without the assistance of the conservator; Fouling of Government moorings.

and the conservator, immediately on receiving notice of such accident, shall assist and superintend the clearing of such vessel,

and the master of such vessel shall, upon demand, pay such reasonable expenses as may be incurred in clearing the same.

(2) Any master or other person offending against the provisions of this section shall, for every such offence, be punishable with fine which may extend to one hundred rupees.

14. (*1*) If any vessel is wrecked, stranded or sunk in any such port so as to impede, or be likely to impede, the navigation thereof, the conservator may cause the vessel to be raised, removed or destroyed. Raising or removal of wreck impeding navigation within limits of port.

(*2*) If any property recovered by a conservator acting under sub-section (*1*) is unclaimed or the person claiming it fails to pay the reasonable expenses incurred by the conservator under that sub-section and a further sum of twenty per cent. of the amount of such expenses, the conservator may sell the property by public auction, if the property is of a perishable nature, forthwith, and, if it is not of a perishable nature, at any time not less than six months after the recovery thereof.

(3) The expenses and further sum aforesaid shall be payable to the conservator out of the sale-proceeds of the property, and the balance shall be paid to the person entitled to the property recovered, or, if no such person appears and claims the balance, shall be held in deposit for payment, without interest, to any person thereafter establishing his right thereto:

Provided that the person makes his claim within three years from the date of the sale.

Power to board vessels and enter buildings.

15. (*1*) The conservator or any of his assistants may, whenever he suspects that any offence against this Act has been or is about to be committed, or whenever it is necessary for him so to do in the performance of any duty imposed upon him by this Act, and the person appointed under this Act to receive any port-dues, fees or other charges payable in respect of any vessel, may, whenever it is necessary for him so to do in the performance of any duty imposed upon him by this Act, either alone or with any other person, board any vessel, or enter any building or place, within the limits of any port subject to this Act.

(*2*) If the master of the vessel, or any person in possession or occupation of the building or place, without lawful excuse, refuses to allow any such person as is mentioned in sub-section (*1*) to board or enter such vessel, building or place in the performance of any duty imposed upon him by this Act, he shall for every such offence be punishable with fine which may extend to two hundred rupees.

Power to require crews to prevent or extinguish fire.

16. (*1*) For the purpose of preventing or extinguishing fire in any port subject to this Act, the conservator or port-officer may require the master of any vessel within the port to place at his disposal such number as he requires, not exceeding three-fourths, of the crew then under the orders of such master.

(*2*) Any master refusing or neglecting to comply with such requisition shall be punishable with fine which may extend to five hundred rupees, and any seaman then under his orders who, after being directed by the master to obey the orders of the conservator or port-officer for the purpose aforesaid, refuses to obey such orders, shall be punishable with fine which may extend to twenty-five rupees.

Appointment and powers of health-officer.

17. (*1*) The Local Government may appoint at any port subject to this Act an officer to be called the health-officer.

(*2*) A health-officer shall, subject to the control of the Local Government, have the following powers, within the limits of the port for which he is appointed, namely :—

(*a*) with respect to any vessel, the powers conferred on a shipping-master by the Indian Merchant Shipping Act, 1859, section 71 ;

I of 1859.

(*b*) power to enter on board any vessel and medically examine all or any of the seamen or apprentices on board the vessel ;

(c) power to require and enforce the production of the log-book and any other books, papers or documents which he thinks necessary for the purpose of enquiring into the health and medical condition of the persons on board the vessel;

(d) power to call before him and question for any such purpose all or any of those persons and to require true answers to any questions which he thinks fit to ask;

(e) power to require any person so questioned to make and subscribe a declaration of the truth of the statements made by him.

[G. R., G. D., No. 581, dated 24th February 1880—Quarantine.]

Officers in charge of Custom-houses are appointed Port Officers, and Medical Officers at such ports Health Officers, under the Quarantine and Medical Inspection Rules printed on pages 123—133.

2. As regards ports where no Medical Officers are stationed, Government are pleased to direct that the nearest Medical Officer should proceed to the port and perform the duties of Health Officer when called upon to do so, provided he is resident not more than ten miles from the port. In such cases, the Officers will be entitled to travelling allowance under the rules, as explained by the Accountant General.*

3. Customs and Medical Officers now appointed Port and Health Officers respectively should be supplied with copies of the Quarantine and Medical Inspection Rules.

18. The Government shall not be responsible for any act or default of any conservator, port-officer or harbour-master of any port subject to this Act, or of any deputy or assistant of any of the authorities aforesaid, or of any person acting under the control or direction of any such authority, deputy or assistant, or for any act or default of any pilot, or for any damage sustained by any vessel in consequence of

In demnity of Government against act or default of port-official or pilot.

* Memorandum from the Accountant General, No. L.A.—18013, dated 10th February 1880:—The Medical Officers would be entitled to usual travelling allowances, provided they proceed further than five miles from their stations and that in the case of Medical Officers who do not draw pay from Government, the charge on account of their travelling allowance will be debited to Vaccination and Sanitation under "23, Medical Services."

any defect in any of the moorings, hawsers or other things belonging to the Government which may be used by the vessel:

Provided that nothing in this section shall protect the Secretary of State for India in Council from a suit in respect of any act done by or under the express order or sanction of the Government.

CHAPTER IV.

Rules for the Safety of Shipping and the Conservation of Ports.

General Rules.

Injuring buoys, beacons and moorings.

19. (1) No person shall, without lawful excuse, lift, injure, loosen or set adrift any buoy, beacon or mooring fixed or laid down by, or by the authority of, the Local Government in any port subject to this Act.

(2) If any person offends against the provisions of this section, he shall for every such offence be liable, in addition to the payment of the amount of damage done, to fine which may extend to two thousand rupees, or to imprisonment for a term which may extend to two years.

Wilfully loosening vessel from moorings.

20. If any person wilfully and without lawful excuse loosens or removes from her moorings any vessel within any such port without leave or authority from the owner or master of the vessel, he shall, for every such offence, be punishable with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to six months.

Improperly discharging ballast.

21. (1) No ballast or rubbish, and no other thing likely to form a bank or shoal or to be detrimental to navigation, shall, without lawful excuse, be cast or thrown into any such port or into or upon any place or shore from which the same is liable to be washed into any such port, either by ordinary or high tides, or by storms or land-floods.

(2) Any person who by himself or another so casts or throws any ballast or rubbish or any such other thing, and the master of any vessel from which the same is so cast or thrown, shall be punishable with fine which may extend to five hundred rupees, and shall pay any reasonable expenses which may be incurred in removing the same.

(3) If, after receiving notice from the conservator of the port to desist from so casting or throwing any ballast or rubbish or such other thing, any master continues so to cast or throw it he shall also be liable to simple imprisonment for a term which may extend to two months.

(4) Nothing in this section applies to any case in which the ballast or rubbish or such other thing is cast or thrown into any such port with the consent in writing of the conservator, or within any limits within which such act may be authorized by the Local Government.

Graving vessel within prohibited limits.

22. If any person graves, breams or smokes any vessel in any such port, contrary to the directions of the conservator, or at any time or within any limits at or within which such act is prohibited by the Local Government, he and the master of the vessel shall for every such offence be punishable with fine which may extend to five hundred rupees each.

Boiling pitch on board vessel within prohibited limits.

23. If any person boils or heats any pitch, tar, resin, dammer, turpentine, oil or other such combustible matter on board any vessel within any such port, or at any place within its limits where such act is prohibited by the Local Government, or contrary to the directions of the conservator, he and the master of the vessel shall for every such offence be punishable with fine which may extend to two hundred rupees each.

Drawing spirits by unprotected artificial light.

24. If any person, by an unprotected artificial light, draws off spirits on board any vessel within any port subject to this Act, he and the master of the vessel shall for every such offence be punishable with fine which may extend to two hundred rupees each.

Warping.

25. (1) Every master of a vessel in any port subject to this Act shall, when required so to do by the conservator, permit warps or hawsers to be made fast to the vessel for the purpose of warping any other vessel in the port, and shall not allow any such warp or hawser to be let go until required so to do.

(2) A master offending against sub-section (1) shall be punishable for every such offence with fine which may extend to two hundred rupees.

Leaving out warp or hawser after sunset.

26. (1) A master of a vessel shall not cause or suffer any warp or hawser attached to his vessel to be left out in any port subject to this Act after sunset in such a manner as

to endanger the safety of any other vessel navigating in the port.

(2) A master offending against sub-section (1) shall be punishable for every such offence with fine which may extend to two hundred rupees.

Discharge of fire-arms in port.

27. If any person, without lawful excuse, discharges any fire-arm in any port subject to this Act, or on or from any pier, landing-place, wharf or quay thereof, except a gun loaded only with gunpowder for the purpose of making a signal of distress, or for such other purpose as may be allowed by the Local Government, he shall for every such offence be punishable with fine which may extend to fifty rupees.

Penalty on master omitting to take order to extinguish fire.

28. If the master of any vessel in which fire takes place while lying in any such port wilfully omits to take order to extinguish the fire or obstructs the conservator or the port- [illegible]

extend to one thousand rupees, or with both.

Unauthorized person not to search for lost stores.

29. (1) No person, without the permission of the conservator, shall, in any port subject to this Act, creep or sweep for anchors, cables or other stores lost or supposed to be lost therein.

(2) If any person offends against the provisions of sub-section (1), he shall be punishable with fine which may extend to one hundred rupees.

Removing stones or injuring shores of port prohibited.

30. (1) No person without the permission of the conservator shall in any port subject to this Act remove or carry away any rock, stones, shingle, gravel, sand or soil or any artificial protection from any part of the bank or shore of the port;

and no person shall sink or bury in any part of such bank or shore, whether the same is public or private property, any mooring-post, anchor or any other thing, or do any other thing which is likely to injure or to be used so as to injure such bank or shore, except with the permission of the conservator, and with the aid or under the inspection of such person, if any, as the conservator may appoint to take part in or overlook the performance of such work.

(2) If any person offends against sub-section (1), he shall for every such offence be punishable with fine which may

extend to one hundred rupees and shall pay any reasonable expenses which may be incurred in repairing any injury done by him to the bank or shore.

In pursuance of the orders contained in Government Resolution, Revenue Department, No. 9695, dated the 24th October 1910, the Commissioner of Customs, Salt, Opium and Abkari is pleased to prescribe the following conditions for the removal of salt mud or sand for manure purposes in all the Maritime Districts in the Presidency proper :—

(1) That no salt mud or sand for manure shall be removed without the written permission of the Sarkarkun of the Taluka.

(2) That the application to the Sarkarkun shall contain the following particulars :—

(a) The place in which the salt mud or sand will be used.

(b) The place from which it will be removed.

(c) The estimated number of cart-loads required.

(d) The period during which it will be removed.

(3) That in removing the salt mud or sand the beach or river-bed should not be excavated to a depth of more than one foot.

(4) That no salt mud or sand should be removed from above the ordinary high water mark.

(Colr. of S. R. No. 5500, 26th May 1911.)

Special Rules.

Moving of vessels without pilot or permission of harbour master.

31. (1) No vessel of the measurement of two hundred tons or upwards shall enter, leave or be moved in any port to which this section has been specially extended without having a pilot, harbour-master or assistant of the port-officer or harbour-master on board;

and no vessel of any measurement less than two hundred tons and exceeding one hundred tons shall enter, leave or be moved in any such port without having a pilot, harbour-master or assistant of the port-officer or harbour-master on board unless authority in writing so to do has been obtained from the conservator or some officer empowered by him to give such authority.

(2) If any vessel, except in case of urgent necessity, enters, leaves or is moved in the port contrary to the provisions

of sub-section (*1*), the master of the vessel shall for every such offence be punishable with fine which may extend to two hundred rupees, unless upon application to the proper officer the master was unable to procure a pilot, harbour-master or assistant of the port-officer or harbour-master to go on board the vessel.

(*3*) Nothing in sub-sections (*1*) and (*2*) shall apply to native vessels when they are entering, leaving or being moved in the port of Bombay.

(*4*) If any question arises as to whether any vessel is a native vessel within the meaning of this section, the decision thereon of such authority as the Governor of Bombay in Council may appoint in this behalf shall be conclusive.

Provision of certain vessels with fire-extinguishing apparatus.

32. (*1*) Every vessel exceeding the measurement of two hundred tons and lying in any port to which this section has been specially extended shall be provided with a proper force-pump and hose and appurtenances, for the purpose of extinguishing any fire which may occur on board.

(*2*) The master of such a vessel who, having been required by the conservator to comply with the provisions of sub-section (*1*), neglects or refuses, without lawful excuse, so to do for the space of seven days after such requisition, shall be punishable with fine which may extend to five hundred rupees.

CHAPTER V.

PORT-DUES, FEES AND OTHER CHARGES.

Levy of port-dues

33. (*1*) In each of the ports mentioned in the first schedule such port-due, not exceeding the amount specified for the port in the third column of the schedule, as the Local Government directs, shall be levied on vessels entering the port and described in the second column of the schedule, but not oftener than the time fixed for the port in the fourth column of the schedule.

(*2*) Whenever the Local Government with the previous sanction of the Governor General in Council declares any other port to be subject to this Act, it may, with the like sanction, by the same or any subsequent declaration, urther declare,—

(*a*) in the terms of any of the entries in the second column of the first schedule, the vessels which are to be chargeable with port-dues on entering the port,

(*b*) the highest rates at which such dues may be levied in respect of vessels chargeable therewith, and

(*c*) the times at which such vessels are to be so chargeable.

(*3*) All port-dues now leviable in any port shall continue to be so leviable until it is otherwise declared in exercise of the powers conferred by this section.

(*4*) An order increasing or imposing port-dues under this section shall not take effect till the expiration of sixty days from the day on which the order was published in the local official Gazette.

NOTIFICATION.

Bombay, 23rd March 1920.

No. 975.—In supersession of Government Notifications in the Revenue Department, Nos. 464 and 8234, dated the 27th January 1880 and 17th October 1892, respectively, and in exercise of the power conferred by sub-section (2) of section 33 of the Indian Ports Act (XV of 1908), the Governor in Council with the previous sanction of the Governor General in Council, directs that port dues at the following rates shall be levied on vessels of the following descriptions, respectively, entering any port in the Northern and Southern Groups of ports in the Bombay Presidency specified in the first column of Part III of the first Schedule annexed to the said Act, *viz.*:—

Coasting steamers, six annas per ton; Other sea-going vessels of ten and upwards (except fishing boats), four annas per ton.

Under sub-section (*5*) of the said section, this order will come into force on the expiration of sixty days from the date of the publication thereof in the *Bombay Government Gazette.*

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34. The Local Government may exempt the vessels entering a port subject to this Act from payment of port-dues and cancel the exemption, or may vary the rates at Variation of port-dues by Local Government.

which port-dues are to be levied in the port, in such manner as, having regard to the receipts and charges on account of the port, it thinks expedient, by reducing or raising the dues, or any of them :

Provided that the rates shall not in any case exceed the amount authorized to be taken by or under this Act.

Fees for pilotage and certain other services

35. (1) Within any port subject to this Act, fees may be charged for pilotage, hauling, mooring, re-mooring, hooking, measuring and other services rendered to vessels, at such rates as the Local Government may direct:

Provided that, in the case of fees for pilotage, the previous sanction of the Governor General in Council has been obtained.

(2) The fees now chargeable for such services shall continue to be chargeable unless and until they are altered in exercise of the power conferred by sub-section (1).

[*Marine Department No. 54, dated the 3rd June 1885,* (Bombay Government Gazette, *Part I, page 720*).]

The following Notification by the Government of India, No. 19, dated 29th May 1885, is republished :—

" Appointments.

No. 19.—It is notified that all Port Officers are *ex-officio* Masters Attendant to the ports to which they are attached, and they are authorised to sign as such.

* * *"

[*No. 12797, dated the 16th December 1908, Revenue Department,* (Bombay Government Gazette, *Part I, page 2144 of 1908*).]

In exercise of the powers conferred by section 35, sub-section (1) of the Indian Ports Act, 1889 (X of 1889), the Governor in Council is pleased to direct that the following fees shall be charged at the Continental Ports of the Bombay Presidency for measuring vessels registered at Portuguese Indian Ports, namely:—

For each certificate of measurement for a vessel not exceeding 20 Bombay khandis burthen, 1 rupee.

Do. do. for a vessel exceeding 20 such khandis burthen and not exceeding 100 khandis burthen, 5 rupees.

For each certificate of measurement for a vessel exceeding 100 such khandis burthen and not exceeding 400 khandis burthen, 7 rupees.

Do. do. for a vessel of 100 tons or greater burthen, 2 annas per ton.

Note—Separate measurement certificates are not necessary in the case of vessels certified to have been measured in Goa in accordance with the British rules, unless there has apparently been an alteration in the tonnage

(Collector of Salt Revenue's No. 8768 of 6th October 1903, and Government Resolution, Marine Department, No. 45 of 7th March 1896 and Government Memorandum, Marine Department, No. 705 of 28th November 1911.)

Receipt, expenditure and account of port-charges.

36. (*1*) The Local Government shall appoint some officer or body of persons at every port at which any dues, fees or other charges are authorized to be taken by or under this Act to receive the same and, subject to the control of the Local Government, to expend the receipts on any of the objects authorized by this Act.

(*2*) Such officer or body shall keep for the port a distinct account, to be called the port fund account, showing, in such detail as the Local Government prescribes, the receipts and expenditure of the port, and shall publish annually as soon after the first day of April as may be practicable an abstract, in such form as that Government prescribes, of the account for the past financial year.

(*3*) If, for any of the purposes of this Act, an advance of money has been or shall be made by the Government on account of any port subject to this Act, simple interest upon that advance, or upon so much of it as remains or shall remain unrepaid, at such rate as the Governor General in Council may determine, shall be charged in the port fund account of the port.

(*4*) All money received under this Act at or on account of any port subject to this Act, excluding receipts on account of pilotage but including—

(*a*) fines,

(*b*) proceeds of waifs, and

(*c*) any balance of the proceeds of a sale under section 14 where no right to the balance has been established

on a claim made within three years from the date of the sale,

shall be credited in the port fund account of the port.

(5) All expenses incurred for the sake of any such port, excluding expenses on account of pilotage but including—

(a) the pay and allowances of all persons upon the establishment of the port,

(b) the cost of buoys, beacons, lights and all other works maintained chiefly for the benefit of vessels being in or entering or leaving the port or passing through the rivers or channels leading thereto,

(c) pensions, allowances and gratuities of persons who have been employed in the port under this or any other enactment relating to ports and port-dues, or such portion of those pensions, allowances and gratuities as the Local Government may by rule determine,

(d) with the previous sanction of the Local Government, contributions towards the support of public hospitals or dispensaries suitable for the reception or relief of seamen or otherwise towards the provision of sanitary superintendence and medical aid for the shipping in the port and for seamen, whether ashore or afloat, belonging to vessels in the port, and

(e) with the like sanction, contributions towards sailors' homes, institutes, rest-houses and coffee-houses and for other purposes connected with the health, recreation and temporal well-being of sailors,

shall be charged to the port fund account of the port.

(6) Subject to the provisions of any local law as to the disposal of any balance from time to time standing to the credit of a port fund account, any such balance may be temporarily invested in such manner as the Local Government may direct.

Extract from Government Resolution, Financial Department, No. 3205, dated 21st November 1885.

"The Accountant General reports that there is no financial objection to the proposal of the Collector of Salt Revenue that Rs. 75,000 out of the balances of the Port Funds under his management should be at once invested in Government securities, and that further sums as can be spared should be invested in future years, in order to meet the pensionary claims

of establishments paid from these funds. This course, which has also the advantage of utilizing the balances not required for current expenditure, should therefore be adopted."

37. (*1*) The Local Government may direct that for the purposes of the last foregoing section any number of ports shall be regarded as constituting a single port, and thereupon all moneys to be credited to the port fund account under sub-section (*4*) of that section shall form a common port fund account which shall be available for the payment of all expenses incurred for the sake of any of the ports: Grouping of ports.

Provided, with respect to the ports of Calcutta, Madras, Bombay, Rangoon, Karachi, Chittagong and Aden, that none of those ports may be grouped with any other port, and that the port fund account of each of those ports shall be kept separate from the port fund account of any other port.

(*2*) Where ports are grouped by or under this Act, the following consequences ensue, namely:—

(*a*) the Local Government, in the exercise of its control over expenditure debitable to the common port fund account of the group, may, with the previous sanction of the Governor General in Council, make rules with respect to the expenditure of the fund for the sake of the several ports of the group on the objects authorized by this Act, and shall cause effect to be given to any directions which the Governor General in Council may deem it necessary to issue with respect to such expenditure; and

(*b*) the Local Government may exercise its authority under section 34 as regards all the ports in the group collectively or as regards any of them separately.

38. The person to whom any dues, fees or other charges authorized to be taken by or under this Act are paid shall grant to the person paying the same a proper voucher in writing under his hand, describing the name of his office, the port or place at which the dues, fees or other charges are paid, and the name, tonnage and other proper description of the vessel in respect of which the payment is made. Receipts for port-charges.

39. (*1*) Within twenty-four hours after the arrival within the limits of any port subject to this Act of any vessel liable to the payment of port-dues under this Act, the master of the vessel shall report her arrival to the conservator of the port. Master to report arrival.

(2) A master failing without lawful excuse to make such report within the time aforesaid shall for every such offence be punishable with fine which may extend to one hundred rupees.

(3) Nothing in this section applies to tug-steamers, ferry steamers or river steamers plying to and from any of the ports subject to this Act or to ballam boats plying to and from the port of Chittagong.

Conservator may in certain cases ascertain draught and charge expense to master.

40. If any vessel liable to the payment of port-dues is in any such port without proper marks on the stem and stern posts thereof for denoting her draught, the conservator may cause the same to be ascertained by means of the operation of hooking, and the master of the vessel shall be liable to pay the expenses of the operation.

Ascertainment of tonnage of vessel liable to port-dues.

41. In order to ascertain the tonnage of any vessel liable to pay port-dues the following rules shall be observed, namely :—

(1) (a) If the vessel is a British registered vessel or a vessel registered under the Indian Registration of Ships Act, 1841, or the Indian Registration of Ships Act (1841) Amendment Act, 1850, or under any other law for the time being in force for the registration of vessels in British India, the conservator may require the owner or master of the vessel or any person having possession of her register to produce the register for inspection.

X of 1841.
XI of 1850

(b) If the owner or master or such person neglects or refuses to produce the register or otherwise to satisfy the conservator as to what is the true tonnage of the vessel in respect of which the port-dues are payable, he shall be punishable with fine which may extend to one hundred rupees, and the conservator may cause the vessel to be measured, and the tonnage thereof to be ascertained, according to the mode of measurement prescribed by the rules for the time being in force for regulating the measurement of British vessels, and in such case the owner or master of the vessel shall also be liable to pay the expenses of the measurement.

(2) If the vessel is not a British registered vessel or a vessel registered under the Indian Registration of Ships Act, 1841, or the Indian Registration of Ships Act (1841) Amendment Act, 1850, or under any other law for the time being in force for the registration of vessels in British India, and the owner or master thereof

X of 1841.
XI of 1850

fails to satisfy the conservator as to what is her true tonnage according to the mode of measurement prescribed by the rules for the time being in force for regulating the measurement of British vessels, the conservator shall cause the vessel to be measured and the tonnage thereof to be ascertained according to the mode aforesaid, and in such case the owner or master of the vessel shall be liable to pay the expenses of the measurement.

(*3*) If the vessel is a vessel of which the tonnage cannot be ascertained according to the mode of measurement mentioned in clauses (*1*) and (*2*), the tonnage of the vessel shall be determined by the conservator on such an estimate as may seem to him to be just.

In view of the fact that the Bombay and Madras systems of measurement of country crafts are the same, it is directed that the latest measurement taken at any British Indian Port should always be taken as the correct one and the one to be gone by in calculating port dues leviable from any vessel.

(Collr. of S. R. No. 7580—17-11-05.)

42. If the master of any vessel in respect of which any port-dues, fees or other charges are payable under this Act, refuses or neglects to pay the same on demand, the authority appointed to receive such port-dues, fees or other charges may distrain or arrest the vessel, and the tackle, apparel and furniture belonging thereto or any part thereof, and detain the same until the amount due is paid; Distraint and sale on refusal to pay port-charges.

and in case any part of the port-dues, fees or other charges or of the costs of the distress or arrest or of the keeping of the vessel or other thing distrained or arrested, remains unpaid for the space of five days next after any such distress or arrest, may cause the vessel or other thing distrained or arrested to be sold, and with the proceeds of such sale may satisfy the port-dues, fees or other charges and the costs including the costs of sale remaining unpaid, and shall render the surplus, if any, to the master of the vessel upon demand.

43. The officer of Government whose duty it is to grant a port-clearance for any vessel shall not grant such clearance— No port clearance to be granted until port-charges are paid.

(*a*) until her owner or master, or some other person, has paid or secured to the satisfaction of such officer the amount of all port-dues, fees and other charges, and of all fines, penalties and expenses to which the vessel or her owner or master is liable under this Act;

57 & 58 Vict., c. 60

(b) until all expenses, which by the Merchant Shipping Act, 1894, section 207, are to be borne by her owner, incurred since her arrival in the port from which he seeks clearance, have been paid.

Port charges payable in one port recoverable at any other port.

44. (1) If the master of any vessel in respect of which any such sum as is mentioned in the last foregoing section is payable causes her to leave any port without having paid the sum, the authority appointed to receive port-dues, fees and other charges at the port under this Act may require in writing the authority appointed to receive port-dues, fees and other charges under this Act at any other port in British India to which she may proceed, or in which she may be, to levy the sum.

(2) The authority to whom the requisition is directed shall proceed to levy such sum in the manner prescribed in section 42, and a certificate purporting to be made by the authority appointed to receive port-dues, fees and other charges at the port where such sum as is mentioned in the last foregoing section became payable, stating the amount payable, shall be sufficient *prima facie* proof of such amount in any proceeding under section 42 and also (in case the amount payable is disputed) in any subsequent proceeding under section 59.

Penalty for evading payment of port-charges.

45. (1) If the master of a vessel evades the payment of any such sum as is mentioned in section 43, he shall be punishable with fine which may extend to five times the amount of the sum.

(2) In any proceeding before a Magistrate on a prosecution under sub-section (1), any such certificate as is mentioned in section 44, sub-section (2), stating that the master has evaded such payment, shall be sufficient *prima facie* proof of the evasion, unless the master shows to the satisfaction of the Magistrate that the departure of the vessel without payment of the sum was caused by stress of weather, or that there was lawful or reasonable ground for such departure.

(3) Any Magistrate having jurisdiction under this Act in any port to which the vessel may proceed, or in which she may be found, shall be deemed to have jurisdiction in any proceeding under this section.

Port-due on vessels in ballast.

46. A vessel entering any port subject to this Act (other than a port in Burma) in ballast and not carrying passengers shall be charged with a *port-due at a rate to be determined*

by the Local Government and not exceeding three-fourths of the rate with which she would otherwise be chargeable.

47. When a vessel enters a port subject to this Act, but does not discharge or take in any cargo or passengers therein (with the exception of such unshipment and reshipment as may be necessary for purposes of repair), she shall be charged with a port-due at a rate to be determined by the Local Government and not exceeding half the rate with which she would otherwise be chargeable. Port-due on vessels not discharging or taking in cargo.

48. No port-due shall be chargeable in respect of— Port-dues not to be chargeable in certain cases.

(a) any pleasure yacht, or

(b) any vessel which, having left any port, is compelled to re-enter it by stress of weather or in consequence of having sustained any damage, or

(c) any vessel which, having entered any port within the territories administered by the Governor of Fort Saint George in Council, leaves it within forty-eight hours without discharging or taking in any passengers or cargo.

Vessels merely anchoring on their voyages up and down the coast waiting for a change of wind if they do not remain more than 24 hours in any of the ports in the Bombay Presidency and do not discharge or take in cargo should not be called upon to pay port dues.

(Rule 19 of the rules published with G. R., R. D., No. 1215, 28-10-61.)

Shipping of provisions, water or crew within free limit of time does not render such vessels liable to pay port dues.

(G. Memo., R.D., No. 1429, 10-7-1903.)

49. (*1*) The Local Government may, by notification in the local official Gazette, order that there shall be paid in respect of every vessel entering any port subject to this Act, within a reasonable distance of which there is a public hospital or dispensary suitable for the reception or relief of seamen requiring medical aid, such further port-dues not exceeding one anna per ton as the Local Government thinks fit. Power to impose hospital port-dues.

(*2*) Such port-dues shall be called hospital port-dues, and the Local Government shall, in making any order under sub-section (*1*), have regard to any contributions made under section 36, sub-section (*5*), clause (*d*).

(3) An order imposing or increasing hospital port-dues shall not take effect till the expiration of sixty days from the day on which the order was published in the local official Gazette.

(4) Whenever the Local Government is satisfied that proper provision has been made by the owners or agents of any class of vessels for giving medical aid to the seamen employed on board such class of vessels, or that such provision is unnecessary in the case of any class of vessels, it may, by notification in the local official Gazette, exempt such class of vessels from any payment under this section.

Application and account of hospital port-dues.

50. (1) Hospital port-dues shall be applied, as the Local Government may direct, to the support of any such hospital or dispensary as aforesaid, or otherwise for providing sanitary superintendence and medical aid for the shipping in the port in which they are levied and for the seamen belonging to the vessels therein, whether such seamen are ashore or afloat.

(2) The Local Government shall publish annually in the local official Gazette, as soon after the first day of April as may be, an account, for the past financial year, of the sums received as hospital port-dues at each port where such dues are payable, and of the expenditure charged against those receipts.

(3) Such account shall be published as a supplement to the abstract published under section 36, sub-section (2).

CHAPTER VI.

HOISTING SIGNALS.

Master to hoist number of vessel.

51. (1) The master of every inward or outward bound vessel on arriving within signal distance of any signal-station established within the limits of the river Hooghly, or within the limits of any part of a river or channel leading to a port subject to this Act, shall, on the requisition of the pilot in charge of the vessel, signify the name of the vessel by hoisting the number by which she is known, or by adopting such other means to this end as may be practicable and usual, and shall keep the signal flying until it is answered from the signal-station.

[illegible] arriving as aforesaid offends [illegible]

52. (*1*) Every pilot in charge of a vessel shall require the number of the vessel to be duly signalled as provided by the last foregoing section.

Pilot to require master to hoist number.

(*2*) When, on such requisition from the pilot, the master refuses to hoist the number of a vessel, or to adopt such other means of making her name known as may be practicable and usual, the pilot may, on arrival at the first place of safe anchorage, anchor the vessel and refuse to proceed on his course until the requisition has been complied with.

53. Any pilot in charge of a vessel who disobeys, or abets disobedience to, any of the provisions of this Chapter shall be punishable with fine which may extend to five hundred rupees for each instance of such disobedience or abetment, and in addition shall be liable to have his authority to act as a pilot withdrawn.

Penalty on pilot disobeying provisions of this Chapter.

CHAPTER VII.

Provisions with respect to Penalties.

54. If any person disobeys any rule or order which a Local Government has made in pursuance of this Act and for the punishment of disobedience to which express provision has not been made elsewhere in this Act, he shall be punishable for every such offence with fine which may extend to one hundred rupees.

Penalty for disobedience to rules and orders of the Local Government.

55 All offences against this Act shall be triable by a Magistrate, and any Magistrate may, by warrant under his hand, cause the amount of any fine imposed upon the owner or master of any vessel, for any offence committed on board of the vessel or in the management thereof or otherwise in relation thereto, whereof the owner or master is convicted, to be levied by distress and sale of the vessel, and the tackle, apparel and furniture thereof, or so much thereof as is necessary.

Offences how triable, and penalties how recovered.

56. (*1*) In case of any conviction under this Act, the convicting Magistrate may order the offender to pay the costs of the conviction in addition to any fine or expenses to which he may be liable.

Costs of conviction.

(*2*) Such costs may be assessed by the Magistrate and may be recovered in the same manner as any fine under this Act.

Ascertainment and recovery of expenses and damages payable under this Act.

57. (*1*) If any dispute arises as to the sum to be paid in any case as expenses or damages under this Act, it shall be determined by a Magistrate upon application made to him for that purpose by either of the disputing parties.

(*2*) Whenever any person is liable to pay any sum, not exceeding one thousand rupees, as expenses or damages under this Act, any Magistrate, upon application made to him by the authority to whom the sum is payable, may, in addition to or instead of any other means for enforcing payment, recover the sum as if it were a fine.

Costs of distress.

58. Whenever any fine, expenses or damages is or are levied under this Act, by distress and sale, the costs of the distress and sale may be levied in addition to such fine, expenses or damages, and in the same manner.

Magistrate to determine the amount to be levied in case of dispute.

59. If any dispute arises concerning the amount leviable by any distress or arrest under this Act or the costs payable under the last foregoing section, the person making the distress or using the arrest may detain the goods distrained or arrested, or the proceeds of the sale thereof, until the amount to be levied has been determined by a Magistrate, who, upon application made to him for that purpose, may determine the amount and award such costs to be paid by either of the parties to the other of them as he thinks reasonable, and payment of such costs, if not paid on demand, shall be enforced as if they were a fine.

Jurisdiction over offences beyond local limits of jurisdiction.

60. (*1*) Any person offending against the provisions of this Act in any port subject to this Act shall be punishable by any Magistrate having jurisdiction over any district or place adjoining the port.

(*2*) Such Magistrate may exercise all the powers of a Magistrate under this Act, in the same manner and to the same extent as if the offence had been committed locally within the limits of his jurisdiction, notwithstanding that the offence may not have been committed locally within such limits, and, in case any such Magistrate exercises the jurisdiction hereby vested in him, the offence shall be deemed, for all purposes, to have been committed locally within the limits of his jurisdiction.

Conviction to be quashed on merits only.

61. (*1*) No conviction, order or judgment of any Magistrate under this Act shall be quashed for error of form or procedure, but only on the merits, and it shall not be necessary to state, on the face of the conviction, order or judgment, the evidence on which it proceeds.

(2) If no jurisdiction appears on the face of the conviction, order or judgment, but the depositions taken supply that defect, the conviction, order or judgment shall be aided by what so appears in the depositions.

CHAPTER VIII.

SUPPLEMENTAL PROVISIONS.

Hoisting unlawful colours in port.

62. (1) If any vessel belonging to any of His Majesty's subjects, or sailing under British colours, hoists, carries or wears, within the limits of any port subject to this Act, any flag, jack, pennant or colours, the use whereof on board such vessel has been prohibited by the Merchant Shipping Act, 1894, or any other Statute now or hereafter to be in force, or by any proclamation made or to be made in pursuance of any such Statute, or by any of His Majesty's regulations in force for the time being, the master of the vessel shall, for every such offence, be punishable with fine which may extend to fifty rupees.

57 & 58 Vict., c. 60.

(2) Such fine shall be in addition to any other penalty recoverable in respect of such an offence.

(3) The conservator of the port, or any officer of His Majesty's Navy or Indian Marine Service, may enter on board any such vessel and seize and take away any flag, jack, pennant or colours so unlawfully hoisted, carried or worn on board the same.

Foreign deserters.

63. Any Magistrate, upon an application being made to him by the Consul of any foreign Power to which section 238 of the Merchant Shipping Act, 1894, has by an Order in Council been, or shall hereafter be, declared to be applicable, or by the representative of such Consul, and upon complaint on oath of the des
a slave, from any vessel of
a revocation of such Order
notified, issue his warrant for the apprehension of any such deserter, and, upon due proof of the desertion, may order him to be conveyed on board the vessel to which he belongs, or, at the instance of the Consul, to be detained in custody until the vessel is ready to sail, or, if the vessel has sailed, for a reasonable time not exceeding one month:

57 & 58 Vict., c. 60.

Provided that a deposit be first made of such sum as the Magistrate deems necessary for the subsistence of

the deserter during the detention and that the detention of the deserter shall not be continued beyond twelve weeks.

Application of sections 10 and 21. 64. (*1*) The provisions of sections 10 and 21 shall be applicable to all ports heretofore or hereafter declared by the Local Government to be ports for the shipment and landing of goods but not otherwise subject to this Act, and may be enforced by any Magistrate to whose ordinary jurisdiction any such port is subject.

(*2*) Any penalties imposed by him, and any expenses incurred by his order, under the said provisions shall be recoverable respectively in the manner provided in sections 55 and 57.

(*3*) In any of the said ports for the shipment and landing of goods the consent referred to in section 21, sub-section (*4*), may be given by the principal officer of customs at such port or by any other officer appointed in that behalf by the Local Government.

Grant of sites for sailors' institutes. 65. Any local authority in which any immoveable property in or near a port is vested may, with the previous sanction of the Local Government, appropriate and either retain and apply, or transfer by way of gift or otherwise, the whole or any part of the property as a site for, or for use as, a sailors' home or other institution for the health, recreation and temporal well-being of sailors.

Exercise of powers of conservator by his assistants. 66. (*1*) All acts, orders or directions by this Act authorized to be done or given by any conservator may, subject to his control, be done or given by any harbour-master or any deputy or assistant of such conservator or harbour-master.

(*2*) Any person authorized by this Act to do any act may call to his aid such assistance as may be necessary.

Service of written notices of directions. 67. Any written notice of a direction given under this Act, left for the master of any vessel with any person employed on board thereof, or affixed on a conspicuous place on board of the vessel, shall, for the purposes of this Act, be deemed to have been given to the master thereof.

Publication of orders of Local Government. 68. Every declaration, order and rule of a Local Government made in pursuance of this Act shall be published in the local official Gazette, and a copy thereof shall be kept in the office of the conservator and at the custom-house, if any, of every port to which the declaration, order

or rule relates, and shall there be open at all reasonable times to the inspection of any person without payment of any fee.

69. The enactments mentioned in the second schedule are hereby repealed to the extent specified in the fourth column of that schedule. Repeal

THE FIRST SCHEDULE.

PORTS, VESSELS CHARGEABLE, RATE OF PORT-DUES AND FREQUENCY OF PAYMENT.

(*See sections 1 and 33.*)

PART I.—BENGAL.

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
1	2	3	4
Calcutta .	Sea-going vessels of twenty tons and upwards	Not exceeding four annas per ton: provided that in the case of *dhonis* and country vessels employed in the coasting trade, the rate shall be one-half the rate chargeable in respect of other vessels.	Whenever the vessel enters the port except in the case of mail-steamers and coasting vessels, which shall not be chargeable more than once in sixty days.
	Tug-steamers and river-steamers	Not exceeding four annas per ton.	Once between the 1st January and the 30th June, and once between the 1st July and the 31st December, in each year.
Cuttack Ports,—namely, False Point and Pooree	Sea-going vessels of ten tons and upwards.	Not exceeding four annas per ton.	Whenever the vessel enters any one of the ports except in the case of mail-steamers, and coasting vessels, which shall not be chargeable more than once in sixty days.
Balasore Ports—namely, Balasore Chursman, Laichhuupur, Chanua, Subarnarekha, Dhamra (Chandbally), and Sartha	Ditto .	Ditto. ..	Whenever the vessel enters any one of the ports, except in the case of mail-steamers and coasting-vessels, which shall not be chargeable more than once in thirty days.

PART II.—MADRAS PRESIDENCY.

Name of port	Vessels chargeable	Rate of port-dues	Due how often chargeable in respect of same vessel.
1	2	3	4
		Foreign vessels.	
		(a) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements or Ceylon calling at Madras, not exceeding four annas a ton.	The payment of the due at the port will exempt the ship or steamer for a period of sixty days from liability to pay the due again.
		(b) In the case of any other foreign ship or steamer calling at Madras, not exceeding four annas a ton.	The due is payable on each entry into the port.
Madras ..	Sea-going vessels of fifteen tons and upwards.	*Coasting vessels.*	
		(c) In the case of a coasting ship calling at Madras, not exceeding one and a half annas a ton.	The payment of the due at the port will exempt the ship for a period of sixty days from liability to pay the due again.
		(d) In the case of a coasting steamer calling at Madras, not exceeding three annas a ton.	The due is payable once in thirty days.

PART II.—MADRAS PRESIDENCY—*continued.*

Name of port.		Vessels chargeable	Rate of port dues.	Due how often chargeable in respect of same vessel
1		2	3	4
Eastern Group.				
District.	Port.			
Ganjam	1. Gopalpur 2. Barnva 3. Callingapatam.	Sea-going vessels of fifteen tons and upwards.	*Foreign Vessels* (a) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at any one port in the Eastern group, not exceeding three annas a ton.	The payment of the due at the port will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that port.
Vizagapatam	4. Pimlipatam 5. Vizagapatam		(b) In the case of any other foreign ship or steamer calling at any one port in the Eastern group not exceeding three annas a ton.	The due is payable on each entry into the port.
Godavari	6. Cocanada 7. Coringa		(c) In the case of a foreign ship or steamer, engaged in Straits Settlements, calling at more than one port in the Eastern group, not exceeding four and a half annas a ton.	The payment of the due at the first port called at in the group will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that or any other port in the group.
Kistna	8. Narasapur 9. Perpualem 10. Masulipatam 11. Nagavalanka 12. Kottapalem		(d) In the case of any other foreign ship or steamer calling at more than one port in the Eastern group, not exceeding four and a half annas a ton.	The due is payable once for the voyage.
Guntur	13. Moratata 14. Gangadipalem 15. Nizampatnam 16. Ipurupalem 17. Motupalle 18. Kottapatnam		*Coasting Vessels.*	
Nellore	19. Iskaalle		(e) In the case of a coasting ship calling at any port, not exceeding one and a half annas a ton.	The payment of the due at the port will exempt the ship for a period of sixty days from liability to pay the due again at that port.
Chingleput	20. Covelong		(f) In the case of a coasting steamer calling at one or more ports in the Eastern group, not exceeding three annas a ton.	The payment of the due at the first port called at in the group will exempt the steamer for a period of thirty days from liability to pay the due again at that or any other port in the group.
South Arcot	21. Cuddalore 22. Porto Novo 23. Thanlavarayasolaganpettai			

PART II.—MADRAS PRESIDENCY—*continued.*

Name of port.		Vessels chargeable	Rate of port-dues.	Due how often chargeable in respect of same vessel.
1		2	3	4
Eastern Group—contd				
District	Port			
Tanjore	21 Tirumalavasal 25 Tranquebar 26. Nagore 27. Negapatam 28 Velankani 29. Topputurai 30. Point Calimere. 31 Mutupet 32. Adirampatnam 33. Gopalapatnam. 34. Kattumavadi 35. Krishnajipatnam 36. Ammapatnam 37. Kottaipatnam. 38 Sundarapandiyapatnam 39. Vattanam	Sea-going vessels of fifteen tons and upwards	*Foreign Vessels* (a) In the case of a foreign ship or steamer engaged in trade with the Straits Settlements, calling at any one port in the Eastern group, not exceeding three annas a ton. (b) In the case of any other foreign ship or steamer calling at any one port in the Eastern group, not exceeding three annas a ton. (c) In the case of a [illegible] ing four and a half annas a ton.	The payment of the due at the port will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that port. The due is payable on each entry into the port. The [illegible]
Madura	40 Tondi 41. Pudupatnam 42. Karangadu 43 Tirupalankudi 44. Devipatnam 45. Mudiyanpatnam. 46. Alagsyankolam. 47. Attankarai 48 Emanangundu. 49. Pamban. 50 Rameswaram 51. Mandapam 52. Vedalai 53 Muttupettai 54. Kilakarai 55 Ervadi 56. Valinokkam		(d) In the case of any other foreign ship or steamer calling at more than one port in the Eastern group, not exceeding four and a half annas a ton. *Coasting Vessels.* (e) In the case of a coasting ship calling at any port, not exceeding one and a half annas a ton (f) In the case of a coasting steamer calling at one or more ports in the Eastern group, not exceeding three annas a ton	The due is payable once for the voyage. The payment of the due at the port will exempt the ship for a period of sixty days from liability to pay the due again at that port. The payment of the due at the first port called at in the group will exempt the steamer for a period of thirty days from liability to pay the due again at that or any other port in the group

Part II.—Madras Presidency—*continued.*

Name of port: District	Name of port: Port	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
1		2	3	4
Eastern Group—concld.				
District.	Port			
		Sea-going vessels of fifteen tons and upwards.	*Foreign Vessels.*	
Tinnevelly ..	57. Vembar 58. Vaippar 59. Tuticorin 60. Ovary 61. Kayalpatnam 62. Kulasekbara-patnam.		(a) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at any one port in the Western group, not exceeding three annas a ton	The payment of the due at the port will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that port.
	Western Group.			
Malabar ..	63. Cochin .. 64 Chavakad .. 65. Velivangod. 66 Ponani 67. Kuttayi		(b) In the case of any other foreign ship or steamer calling at any one port in the Western group, not exceeding three annas a ton	The due is payable on each entry into the port.
	68 Parapanna 69. Tanur 70 Parpananga-di. 71. Ferokh 72. Beypore 73. Calicut		(c) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at more than one port in the Western group, not exceeding four and a half annas a ton.	The payment of the due at the first port called at in the group will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that or any other port in the group.
	74. Kappatta 75. Quilandi 76. Kottakkal 77. Badagara 78. Mottankal 79. Chompayi		(d) In the case of any other foreign ship or steamer calling at more than one port in the Western group, not exceeding four and a half annas a ton.	The due is payable once for the voyage.
			Coasting Vessels.	
	80. Kallayi 81. Talayi 82. Tellicher ..		(e) In the case of a coasting ship calling at any port, not exceeding one and a half annas a ton.	The payment of the due at the port will exempt the ship for a period of sixty days from liability to pay the due again at that port.
	83. Cannanore 84. Pudiyangadi. 85 Azhikal .. 86 Ettikulam 87. Kavvayi		(f) In the case of a coasting steamer calling at one or more ports in the Western group, not exceeding three annas a ton.	The payment of the due at the first port called at in the group will exempt the steamer for a period of thirty days from liability to pay the due again at that or any other port in the group.

PART II.—MADRAS PRESIDENCY—*concluded.*

Name of port.		Vessels chargeable	Rate of port dues.	Due how often chargeable in respect of same vessel
1		2	3	4
Western Group—contd.				
District.	Port		*Foreign Vessels.*	
South Canara.	88 Hosdrug 89. Baikal 90 Kasaragod 91 Kumbale 92 Manjesvara 93 Mangalore 94. Mulki 95 Padubidri 96 Ermala 97. Uchhila 98 Kaph 99 Malpé 100 Hangarakatta or Barkur. 101. Coondapoor 102 Nyakinakatte (Navakkan-kottai. 103 Baindur 104 Siruru	Sea-going vessels of fifteen tons and upwards.	(a) In the case of a [illegible]	The payment of the due at [illegible]
			(c) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at more than one port in the Western group not exceeding four and a half annas a ton	The payment of the due at the first port called at in the group will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that or any other port in the group
			Coasting Vessels	
			(d) In the case of a coasting ship calling at any port, not exceeding one and a half annas a ton.	The payment of the due at the port will exempt the ship for a period of sixty days from liability to pay the due again at that port.
			[illegible]	[illegible]

Explanations to Part II of the First Schedule

Explanation 1—In this part of the schedule—

(a) "ship" means a sailing vessel, and "steamer" a steam-vessel;

(b) "coasting ship" or "coasting steamer" means respectively a ship or steamer which at [illegible]

III of ...78.

(The First Schedule.—Ports, Vessels chargeable, Rate of Port-dues and Frequency of Payment.)

PART III.—BOMBAY PRESIDENCY.

Name of port.	Vessels chargeable	Rate of port dues	Due how often chargeable in respect of same vessel.
1	2	3	4
Bombay	Sea-going vessels of ten tons and upwards (except fishing-boats)	Not exceeding four annas per ton	Once in the same month.
	Tug-steamers, ferry-steamers and river-steamers	Ditto ..	Once between the 1st January and the 30th June, and once between the 1st July and 31st December in each year.
Northern Group of Ports—			
1 Gogha			
2. Dholera (B Little Bandar).			
3 Tankari			
4. Dehegam			
5 Kavi			
6 Dehej			
7. Broach			
8. Bhagwa			
9. Surat			
10 Matwad			
11 Balsar			
12 Umarsadi	[illegible]	[illegible]	[illegible]
13. Kolak			
14 Kalai			
15 Maroli			
16 Umbargam			
17. Gholwad			
18. Dahanu Creek			
19 Tarapur			
20. Olivara Navapur			
21. Satpati Creek			
22. Mahim (Kelva)			
23. Kelva			
24. Dantiora			
25. Arnala			

PART II.—MADRAS PRESIDENCY—*concluded.*

Name of port.		Vessels chargeable	Rate of port dues.	Due how often chargeable in respect of same vessel.
1		2	3	4
Western Group—contd.				
District	Port.			
South Canara.	88 Hosdrug 89 Baikal 90 Kasaragod 91. Kumbale 92 Manjesvara 93. Mangalore 94. Mrlki 95 Padubidri 96 Frmala 97. Uchhila 98 Kaph 99. Malpé 100 Hangarakatta or Barkur 101. Coondapoor 102 Nyakinakatte (Navakkankottai) 103 Baindur 104 Sirura	Sea-going vessels of fifteen tons and upwards.	*Foreign Vessels.* ... the Western group, not exceeding three annas a ton (c) In the case of a foreign ship or steamer, engaged in trade with the Straits Settlements, calling at more than one port in the Western group not exceeding four and a half annas a ton (d) In the case of any other foreign ship or steamer calling at more than one port in the Western group not exceeding four and a half annas a ton. *Coasting Vessels* (e) In the case of a coasting ship calling at any port, not exceeding one and a half annas a ton.	The payment of the due at the first port called at in the group will exempt the ship or steamer for a period of sixty days from liability to pay the due again at that or any other port in the group The due is payable once for the voyage The payment of the due at the port will exempt the ship for a period of sixty days from liability to pay the due again at that port. ... other port in the group

Explanations to Part II of the First Schedule.

Explanation 1.—In this part of the schedule—

(a) "ship" means a sailing vessel, and "steamer" a steam vessel;

(b) "coasting ship" or "coasting steamer" means respectively a ship or steamer which at ...

(The First Schedule.—Ports, Vessels chargeable, Rate of Port-dues and Frequency of Payment.)

PART III.—BOMBAY PRESIDENCY.

Name of port.	Vessels chargeable	Rate of port-dues.	Due how often chargeable in respect of same vessel
1	2	3	4
Bombay ..	Sea-going vessels of ten tons and upwards (except fishing-boats)	Not exceeding four annas per ton	Once in the same month.
	Tug-steamers, ferry-steamers and river-steamers.	Ditto ..	Once between the 1st January and the 30th June, and once between the 1st July and 31st December in each year.
Northern Group of Ports—			
1 Gogha			
2 Dholera (" Little Bandar")			
3 Tankari			
4. Dehegam			
5 Kavi			
6 Dehej .			
7 Broach			
8 Bhagwa			
9 Surat			
10 Matwad			
11 Balsar			
12 Umarsadi	Sea-going vessels of ten tons and upwards (except fishing-boats).	Not exceeding four annas per ton provided that a coasting steamer wherever it enters any port may be charged at a rate to be determined by the Local Government and not exceeding the highest rate of port-dues leviable at any port of the group to which such port belongs and an addition of one-half of such highest rate.	Once in thirty days at the same port: provided that no coasting vessel or coasting steamer, having paid port-dues at any port, shall be chargeable with port-dues again at the same or any other port of the same group within thirty days.
13 Kolak			
14 Kalai			
15 Maroli			
16. Umbargam .			
17. Gholwad			
18. Dahanu Creek .			
19 Tarapur ..			
20. Olivara Navapur			
21. Satpati Creek ..			
22. Mahim (Kelva).			
23. Kelva ..			
24. Dantiora ..			
25. Arnala ..			

(The First Schedule.—Ports, Vessels chargeable, Rate of Port-dues and Frequency of Payment.)

PART III.—BOMBAY PRESIDENCY—*continued.*

Name of port.	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessels.
1	2	3	4
Southern Group of Ports— 1 Bandra 2 Vesava 3 Manori 4 Utan 5. Bassein 6. Bhiwandi 7 Kalyan 8 Thana 9. Mahul 10 Trombay 11 Panwel 12. Mora 13. Karanja 14. Thal 15. Alibag 16. Revdanda 17. Mandad 18. Bankot 19. Kelshi 20. Harnai 21. Dabhol 22. Borya 23. Jaygad 24 Varavda 25. Ratnagiri 26. Purangad 27. Jaytapur 28. Vijaydurg 29. Devgad 30. Achra 31 Malwan 32. Nivti 33. Vengurla 34 Pedi 35. Kirrapani 36. Tiimati 37. Sadashivgad 38. Karwar including Baitkhol 39. Bingi 40 Chendya 41. Belikeri 42. Ankola 43. Gangavali 44. Tadri 45. Kumpta 46. Honawar 47. Manki 48. Murdeshwar 49. Shirali 50. Bhatkal	Sea going vessels of ten tons and upwards (except fishing boats).	Not exceeding three annas per ton: provided that a coasting steamer whenever it enters any port may be charged at a rate to be determined by the Local Government and not exceeding the highest rate of port-dues leviable at any port of the group to which such port belongs, and an addition of one *half of such highest rate.*	Once in thirty days at the same port: provided that no coasting vessel or coasting steamer having paid port-dues at any port, shall be chargeable with port-dues again at the same or any other port of the same group within thirty days
Karachi	Sea-going vessels of ten tons and upwards (except fishing boats)	Not exceeding four annas per ton.	Once in three months.
	Tug-steamers and river steamers.	Ditto	Once between the 1st January and the 30th June, and once between the 1st July and the 31st December, in each year.

PART III.—BOMBAY PRESIDENCY—*concluded.*

Name of port	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
1	2	3	4
Southern Group of Ports—concld.			
Aden	Sea-going vessels of ten tons and upwards	Not exceeding three annas per ton	Once a month.

PART IV.—BURMA.

Name of port	Vessels chargeable.	Rate of port-dues.	Due how often chargeable in respect of same vessel.
1	2	3	4
Rangoon ..	Sea-going vessels of ten tons and upwards.	Not exceeding six annas per ton	Once in sixty days.
	Tug steamers and river-steamers.	Not exceeding four annas per ton.	Once between the 1st January and the 30th June, and once between the 1st July and the 31st December, in each year.
Maulmain ..	Sea-going vessels of ten tons and upwards, but less than twenty-five tons.	Ditto ..	Once in sixty days.
	Sea-going vessels of twenty-five tons and upwards.	Not exceeding five annas six pies per ton.	Ditto
Kyaukpyu ..	Sea going vessels of ten tons and upwards	Not exceeding four annas per ton.	Ditto.
Akyab ..	Ditto ..	Ditto ..	Ditto.
Bassein ..	Sea-going vessels of ten tons and upwards, but less than twenty-five tons.	Ditto ..	Ditto.
	Sea-going vessels of twenty-five tons and upwards.	Not exceeding five annas six pies per ton.	Ditto.
Tavoy ..	Sea-going vessels of ten tons and upwards.	Not exceeding four annas per ton.	Ditto.
Mergui ..	Ditto ..	Ditto ..	Ditto.

(The First Schedule.—Ports, Vessels chargeable, Rate of Port-dues and Frequency of Payment. The Second Schedule.—Enactments repealed.)

PART V.—EASTERN BENGAL AND ASSAM.

Name of port.	Vessels chargeable	Rate of port-dues.	Due how often chargeable in respect of same vessel.
1	2	3	4
Chittagong .	Sea going vessels of ten tons and upwards, not being ballam-boats	Not exceeding four and a half annas per ton	Whenever the vessel enters the port, except in the case of mail-steamers and coasting vessels, which shall not be chargeable more than once in sixty days
	Tug-steamers and river steamers	Ditto	Once between the 1st January and the 30th June, and once between the 1st July and the 31st December, in each year.
	Ballam boats .	Not exceeding one anna per ton	Whenever the vessel enters the port.

THE SECOND SCHEDULE.

ENACTMENTS REPEALED.

(See section 69.)

Year	No.	Short title or subject.	Extent of repeal
1889 ..	X	The Indian Ports Act, 1889 ..	So much as is unrepealed.
1891 ..	V	The Indian Ports Act, 1891 .	The whole.
1894 ..	II	The Indian Ports Act (1889) Amendment Act, 1894	Ditto
1896 .	IV	The Indian Ports Act (1889) Amendment Act, 1896	Ditto.
1901 ..	III	The Indian Ports Act, 1901 ..	Ditto.
1903 ..	V	The Indian Ports (Amendment) Act, 1903 ..	Ditto.

LANDING AND WHARFAGE FEES ACT, VII OF 1882.

(*As amended by Bombay Act V of* 1916).

AN ACT TO PROVIDE FOR THE LEVY OF FEES FOR THE USE OF PUBLIC LANDING PLACES.

Whereas it is expedient to provide for the levy of fees for the use of public landing-places in certain ports in the Bombay Presidency; it is hereby enacted as follows:— Preamble.

1. This Act shall be called the Bombay Landing and Wharfage Fees Act, 1882. Short Title.

2. (It shall extend to any ports) in the Presidency of Bombay to which the Governor in Council may from time to time by notification in the *Bombay Government Gazette* and other local official Gazette extend the Act. Local extent

Government Notification, Revenue Department, No. 1892-A., dated the 26th July 1921:—In exercise of the powers conferred by Section 2 of the Bombay Landing and Wharfage Fees Act, 1882 (Bom. VII of 1882), and in supersession of Government Notification in the Revenue Department No. 1012, dated the 26th January 1917, as amended by Government Notification in the Revenue Department, No. 13032, dated the 29th November 1919, the Governor in Council is pleased to extend the said Act to the following ports† in the Bombay Presidency, namely:—

Group I.

Broach	Ulwa.*	Panwel (Ulwa).*	Jaygad.*
Surat.	Thana.	Mora *	Jaitapur.*
Bassein.	Rewas.*	Karanja.*	Viziadurg.*
Bombay.*	Dharamtar.*	Mandad.	Vergurla.*
Bhiwandi.	Mahul.*	Harrai.*	Karwar.*
Kalyan.	Trombay.*	Dabhol.*	Kumta.*
			Honawar.*

† The limits of the ports to which the Act has been extended have been defined under the Indian Ports Act, 1908, in the following notifications:—

Group II.

Bulsar.	Navapur.	Mandwa.*	Redi.
Maroli.	Satpati.	Alibag.*	Kiranapani.
Bandra.	Mahim.	Revdanda.*	Chendya.
Vessava.	Kelwa.	Bankot.*	Belikeri.
Kelshi.	Dantivra.	Varavda.*	Ankola.
Borya.*	Arnalla.	Ratnagiri.*	Gangawali.
Sadashivgad	Manori.	Purnagad.*	Tadri.*
Bingi.	Belapur.*	Devgad.*	Manki.
Umbergaon.	Uttan.	Achra.*	Murdeshwar.
Dahanu.	Nhawa.*	Malwan.*	Shirali.
Tarapur.	Thal.*	Nivti.	Bhatkal.*

Repeal of Bombay Act III of 1879.

3. Bombay Act III of 1879 is hereby repealed, and all fees levied and every declaration, appointment or rule made under that Act shall be deemed to have been levied and made under this Act.

"Landing place" and "passengers" defined.

4. In this Act the term landing place includes a bandar, wharf, pier, jetty, hard and any place used for the landing, shipping or storage of goods or for the embarking or disembarking of passengers and the term 'passengers' means any person of three years of age or upwards, carried in a vessel other than the master and crew and the owner, his family and servants.

The Governor in Council to fix limits of bandars, etc., and the fees to be levied.

5. It shall be lawful for the Governor in Council, from time to time by notification in the *Bombay Government Gazette* and other local official Gazette,—

(*a*) to define the limits of any port to which this Act is made applicable when such limits have not been defined under the Indian Ports Act, 1875;

(*b*) to determine what are public landing-places to which the provisions of this Act shall apply;

(*c*) to determine the limits of any such landing-place;

(*d*) to withdraw this Act from any port in which it is for the time being in force;

(*e*) to fix the fees to be levied—

(*1*) on goods landed, shipped or stored at, and

(*2*) passengers embarking and disembarking at, and

(*3*) on animals or vehicles bringing or removing goods to or from, or plying for hire at, and

(*4*) on vessels or boats approaching or lying alongside,

any such landing-place;

Provided that it shall be lawful for the Governor in Council at any time to exempt any goods, passengers, vessels, boat, animal or vehicle wholly or partially from any fee to which the same may be liable under this section:

Provided further that the fee to be levied on any passenger on each occasion of embarking or disembarking at a landing-place shall not exceed one anna.

6. The levy of fees under this Act shall be made, and all other powers and duties conferred and imposed by this Act or by any bye-laws made hereunder shall be exercised and performed, by such officers as the Governor in Council shall from time to time direct, or by such persons as he shall from time to time direct in this behalf.

Powers and duties under this Act by whom to be exercised & performed.

Revenue Department No. 1892, dated 26th July 1921.

In exercise of the powers conferred by sections 5 and 6 of the Bombay Landing and Wharfage Fees Act, 1882 (Bom. VII of 1882), the Governor in Council is pleased to amend G. N., R. D., No. 1013, dated 26th January 1917, as follows:—

(1) that every landing place within the limits of any port to which the said Act applies shall be deemed to be a public landing-place to which the provisions of the said Act shall apply;

(2) that the fees to be levied on passengers embarking or disembarking at any such landing-place shall be as follows:—

(a) half an anna on every passenger travelling by harbour ferry steamer from or to any of the following Ports:—Bombay, Karanja (including Rewas, Mandwa and Dharamtar), Mora, Panvel (including Belapur, Ulwa and Nhawa), Mahul and Trombay;

(b) one anna on every passenger travelling by a coasting steamer from or to any port marked with an asterisk in any notification applying to it the provisions of Section 2 of the said Act, to or from another sub port or to or from a foreign port in the Konkan;

(c) half an anna on every passenger travelling by country craft, pleasure yacht, motor-vessel or steam launch from or to any port marked with an asterisk in any notification applying to it the

provisions of Section 2 of the said Act to or from another sub-port or to or from a foreign port in the Konkan: Provided that—

(i) no fee shall be levied on a passenger travelling from or to a coast port to or from a creek port under that port;

(ii) a fee at half the rate prescribed in clause (a), (b) or (c), as the case may be, shall be levied on children whose age is not less than three years but less than twelve years, and no fees shall be levied on children under three years of age;

(iii) No fees shall be levied on passengers in Government launches or boats when travelling on Government service.

(3) that the fees to be levied on vessels landing or shipping goods at the light floating stage and gangway at Broach shall be as follows:—

(a) six annas per ton on the registered tonnage of the vessel carrying cocoanuts and tiles;

(b) three pies per maund on all other kinds of goods.

. . . .

(a) at half the King's Warehouse rates on all goods with the exception of those specified in sub-clause (c) below left at the ports in group I of the ports mentioned in any Government Notification applying Section 2 of the said Act.

(b) at one-fourth the King's Warehouse rates on all goods with the exception of those specified in sub-clause (c) below left at the ports in group II of the ports mentioned in any Government Notification applying Section 2 of the said Act.

. . . .

said Act:—

(i) Stones [except lime-stones, road metal (kapchis) and ladi stones]—

(a) When the value does not exceed Rs. 15 per score, 9 pies per score per month.

(b) When the value exceeds Rs. 15 per score, 2 pies per stone per month.

(ii) Cocoanuts 6 pies per bag per week or annas 2 per 1,000 per week when loose.

(iii) Firewood Rs. 2-8-0 per week per 500 square feet.

Provided that no wharfage fees shall be levied on any goods for the first three days in the case of ports in group I referred to above and five days in the case of ports in Group II referred to above exclusive of Sundays and other public Holidays, after the said goods have been landed or brought for shipment at a wharf or landing place

(5) (a) that the levy of fees from the passengers liable under clauses 2 (a) and (b) travelling by steamers belonging to the Bombay Steam Navigation Company or the Indian Co-operative Navigation and Trading Company shall be made by or under the direction of the said Companies respectively; and

(b) the levy of fees from all other passengers liable thereto and those leviable under clauses (3) and (4) above shall be made by or under the orders of the Collector of Customs.

Powers privile[illegible]

7. *The officers and persons whose duty it may be to* [illegible]

[illegible] and his subordinates and shall have the same privileges and be subject to the same liabilities in respect of anything done by them in collecting and enforcing payment of the said fees as the said Collector of Customs and his subordinates have or are liable to under the provisions of any such law.

Punishment of offende[rs]

The law for the time being in force for the punishment of offences relating to the levy or payment of duties of Sea Customs and for the reward of informers shall, as far as may be, apply to similar offences committed in respect of the said fees.

In particular and without prejudice to the generality of the provisions of the foregoing paragraph the penalty prescribed in the third column of article I of section 167 of the Sea Customs Act, 1878, shall be leviable in respect of the contravention of any bye-law made under this Act.

Tables of fees to be posted up.

8. Tables of the fees under this Act shall be posted in some conspicuous position at every landing place at which such fees are leviable, in English and the Vernacular language of the district, province or territory in which the port is situate.

Power to make bye-laws.

9. The Chief Customs Authority may with the previous sanction of Government, from time to time make, and from time to time alter or repeal, bye-laws not inconsistent with the provisions of this Act—

(*a*) regulating the use of every landing place to which this Act applies;

(*b*) providing for the management of the traffic over, on or about, and to and from every such landing-place; and

(*c*) regulating the collection and remittance of the fees leviable under all or any of the provisions of the Act; and

(*d*) generally for the guidance of all persons in matters connected with the enforcement of this Act.

The bye-laws so made and every alteration of the same and every order repealing the same or any portion thereof shall be published in the *Bombay Government Gazette* and other local official Gazette.

Fees realized under this Act how to be expended.

10. The proceeds of all fees realized under this Act shall be expended in any port to which this Act applies—

(*a*) in payment of the expenses of the administration of this Act;

[illegible]

(*c*) in maintaining and improving any existing landing-place and in constructing, maintaining or providing waiting rooms and other conveniences or facilities for passengers, and generally in the improvement of such port; and

(*d*) in payment of the charges connected with establishing, maintaining and working of telegraphs and telephones between any such ports.

11. (*1*) For each port [illegible] account, to be called the [illegible] account, shall be kept show[illegible] Customs Authority prescribes, the receipts and expenditure under this Act for the Port. An abstract of the account for the past financial year, in such form as the Chief Customs Authority prescribes, shall be published annually as soon after the first day of April as may be practicable. [illegible] account of landing and wharfage fees.

(*2*) If an advance of money shall be made by the Government for any of the purposes of this Act, on account of any port to which this Act applies, simple interest on that advance or upon so much of it as shall remain unpaid, at such rate as the Governor in Council may determine, shall be chargeable in the landing and wharfage fees fund account of such port.

(*3*) All moneys received under this Act at or on account of any port to which this Act applies shall be credited in the landing and wharfage fees fund account of the port.

(*4*) Any balance from time to time standing to the credit of a landing and wharfage fees fund account may be temporarily invested in such manner as the Governor in Council may direct.

12. The Governor in Council may direct that for the purposes of sections 10 and 11 any number of ports to which this Act applies shall be regarded as constituting a single port, and thereupon all monies to be credited to the landing and wharfage fees fund account under section 11 shall form a common fund account which shall be available for expenditure for the sake of the several ports of the group on the objects authorised by this Act. Grouping of ports.

Revenue Department No. 1014, dated 26th January 1917:—

In exercise of the powers conferred by section 12 of the Bombay Landing and Wharfage Fees Act, 1882 (Bom. VII of 1882), the Governor in Council is pleased to direct that for the purposes of sections 10 and 11 of the said Act, all the ports to which the Act applies shall be regarded as constituting a single port.

Accompaniments to Government Order, Revenue Department, No. 14642, dated 4th December 1917.

With the previous sanction of Government, the Chief Customs Authority is pleased to make the following bye-laws unde section 9 of the Bombay Landing and Wharfage Fees Act, 1882 (Bom. VII of 1882):—

I. (1) Each Company empowered under clause 3 (a) of the rules published in Government Notification in the Revenue Department No. 1013, dated the 26th January 1917, (p. 171) shall collect the fees prescribed under clauses (2) (a) and (b) thereof on each ticket issued on its behalf at the time of issue, and shall remit them to the Chief Account Officer of Customs, Salt and Opium, Bombay, at the end of each month together with a statement of the number of tickets issued to and from each port to which the Bombay Landing and Wharfage Fees Act, 1882, applies and a certificate of the amount collected thereon signed by the duly authorised agent of the Company.

(2) Each Company to which this bye-law applies shall keep accurate accounts showing the number of tickets issued and the fees collected thereon under the said Act, and such accounts shall at any time be open to inspection by any officer appointed for that purpose by the Chief Customs Authority.

II. The fees leviable under clause (2) (c) of the said rules on passengers travelling by country craft plying under licenses granted by the Assistant Collectors of Salt Revenue shall be recovered from the licensee by the officer issuing the license as a fixed sum payable in advance, in proportion to the number of passengers licensed to be carried, at such rates and in such instalments as the Chief Customs Authority may from time to time prescribe.

III. The fees leviable under clause (2) (c) of the said rules on passengers travelling by country craft, bunder boats, pleasure yachts, motor vessels or steam vessels not plying under licenses granted by the Assistant Collectors of Salt Revenue and which do not enter inwards or outwards at the Custom House, shall be recovered in Bombay by the Collector of Customs in a fixed sum payable in advance, at such rates as th

Chief Customs Authority may from time to time prescribe, at the time of issue of the six-monthly standing port clearance taken out by such craft.

IV. The fees leviable under clause (2) (c) of the said rules on each passenger travelling by country craft other than those specified in bye-laws II and III shall be recovered from the master of the vessels by the officer granting the port clearance, who shall give a receipt in the form * appended hereto;

Provided that if the fees have not been so recovered they shall be recovered from the master by the Collector of Customs at any notified port at which such passenger lands.

V. The fees on each passenger travelling by pleasure yacht, motor-vessels or steam launch not covered by a six-monthly standing port clearance issued by the Collector of Customs, Bombay, endorsed to the effect that the fixed sum specified in bye-law III has been paid, shall be recovered from the master of the vessel at the port of departure or arrival by the local customs officer who shall give a receipt* in the form appended hereto.

* NOTE.—For form of receipt *vide* F.

Accompaniments to Government Order, Financial Department, No. 3143, dated 15th August 1918.

Government having in their Notification, Revenue Department, No. 1014, dated 26th January 1917, (p.174) directed that for the purposes of sections 10 and 11 of the Bombay Landing and Wharfage Fees Act, 1882 (Act VII of 1882 as amended by Act V of 1916), all the ports to which the Act applies shall be regarded as constituting a single port as provided in section 12 of the said Act, the Chief Customs Authority is pleased to issue the following instructions regarding the procedure to be followed for the keeping of a common Landing and Wharfage Fees Fund account as contemplated in section 12 of the Act.

Receipts.

1. The fees prescribed under clauses 2 and 3 of the Government Notification, Revenue Department, No. 1013, dated 26th January 1917, (p. 171) shall be credited in the accounts (Register of Miscellaneous Receipts—Form No. IV) to the

Major Head "Landing and Wharfage Fees Fund" and to the detailed heads as shown below:—

(*a*) Landing and Wharfage fees.

(*b*) Interest on Government securities lodged with the Accountant General.

(*c*) Miscellaneous, *viz.*:— Cash recovery of advances, fines, etc.

2. The fees remitted monthly to the Chief Account Officer of Customs, Salt and Opium, Bombay, by the Steamship Companies required to collect the cess on tickets issued by them shall, before being credited to the accounts, be checked *in the Chief Account Office with the statement* of the number of tickets issued to and from each port to which the Bombay Landing and Wharfage Fees Act (VII of 1882) applies, received from the Company concerned along with the remittance. The Company shall be granted a receipt for the amount remitted by them.

3. The fees leviable on passengers travelling by country [illegible]

The applicant for such a license shall prepare a chalan in duplicate in Treasury Form No. 7-*e* and *m* for the amount payable by him. He shall present the chalan to the Assistant Collector who will check it to see that the amount mentioned therein is correct and shall direct the applicant to present it with the amount to the Sarkarkun of the nearest Salt taluka. The Sarkarkun shall receive the amount, credit it to his accounts, sign the chalan in duplicate, hand over the original to the applicant and retain the duplicate in his *office for submission to the Chief Account Officer of* Customs, Salt and Opium, Bombay, along with his bi-monthly cash account. On production of the duly receipted chalan by the applicant the Assistant Collector shall issue the license applied for and shall furnish to the Chief Account office a statement showing the amounts payable per annum by each licensee and the number of instalments by which the amount is to be paid so that the recovery may be watched by that office.

4. The fees collected by the Customs Department, Bombay, shall be forwarded to the Chief Account Officer of Customs, Salt and Opium, Bombay, under cover of

chalan or memorandum to be credited to the accounts of the Fund.

5. The fees on passengers travelling by country craft recovered through the master of the vessel at the time of granting port clearance at the continental ports and the fees on each passenger travelling by pleasure yacht, motor vessel or steam launch collected by bandarkarkuns at the ports of arrival shall be paid into the office of the Sarkarkun of the taluka or into the nearest revenue treasury in the same manner as other customs dues are paid. The Sarkarkun in charge of the bandar shall incorporate these receipts n his bi-monthly account under the head mentioned in pa agraph 1 above and shall forward along with the bi-monthly account a statement showing the number of passengers from whom the the amount was recovered.

Expenditure.

6. The expenditure to be incurred on the objects authorised by the Act in the next financial year shall be budgetted for in due course and the estimates for the same submitted to the Chief Customs Authority for sanction. When they are sanctioned against the particular grant provided in the budget and communicated to the Chief Account Officer of Customs, Salt and Opium, Bombay, the latter shall keep a note of the same and instruct the Sarkarkun concerned to place the amount at the disposal of the Public Works Department if the work is to be done by that agency or to draw the amount on cheque if it is to be done departmentally.

7. The Sarkarkun concerned shall show in his bi-monthly Cash Account to be submitted to the Chief Account Office the amount expended during the month under the head "Landing and Wharfage Fees Fund".

Accounts.

8. The receipt and expenditure figures under the head "Landing and Wharfage Fees Fund" included in the bi-monthly Cash Accounts of all the Salt talukas as well as those recorded in the registers of the Chief Account Office shall be consolidated in that office every month and annually shall be furnished to the Accountant General, Bombay, and the Chief Customs Authority on the dates and in the forms that may be prescribed by them.

Major Head "Landing and Wharfage Fees Fund" and to the detailed heads as shown below:—

(a) Landing and Wharfage fees.

(b) Interest on Government securities lodged with the Accountant General.

(c) Miscellaneous, *viz.*:— Cash recovery of advances, fines, etc.

2. The fees remitted monthly to the Chief Account Officer of Customs, Salt and Opium, Bombay, by the Steamship Companies required to collect the cess on tickets issued by them shall, before being credited to the accounts, be checked in the Chief Account Office with the statement of the number of tickets issued to and from each port to which the Bombay Landing and Wharfage Fees Act (VII of 1882) applies, received from the Company concerned along with the remittance The Company shall be granted a receipt for the amount remitted by them.

3. The fees leviable on passengers travelling by country crafts plying under licenses granted by the Assistant Collectors of Salt Revenue shall be recovered as follows:—

The applicant for such a license shall prepare a chalan in duplicate in Treasury Form No. 7-*c* and *m* for the amount payable by him. He shall present the chalan to the Assistant Collector who will check it to see that the amount mentioned therein is correct and shall direct the applicant to present it with the amount to the Sarkarkun of the nearest Salt taluka. The Sarkarkun shall receive the amount, credit it to his accounts, sign the chalan in duplicate, hand over the original to the applicant and retain the duplicate in his office for submission to the Chief Account Officer of Customs, Salt and Opium, Bombay, along with his bi-monthly cash account. On production of the duly receipted chalan by the applicant the Assistant Collector shall issue the license applied for and shall furnish to the Chief Account office a statement showing the amounts payable per annum by each licensee and the number of instalments by which the amount is to be paid so that the recovery may be watched by that office.

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